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WELCOME

Welcome law students, mentors, and faculty mentors. What follows is a detailed guide to UST Law’s Mentor Externship Program that brings the profession to legal education.

The program is an amazing opportunity to be part of the lifelong learning, relationship building, and commitment to professionalism that are hallmarks of the legal profession.

To our students – This is your program. Whether you came to law school from a career in business or directly from your undergraduate training; grew up in a family of lawyers or are the first in your family to study law; have an established professional network or a social network; plan to practice law or use your law degree outside the practice of law, this program offers something no other law school class offers—the opportunity to learn what it means to be a member of this learned profession from one of its committed members.

Form the relationships that allow you to learn, grow, and successfully use your legal education in your chosen path and to make the very most of what the program has to offer.

To our mentors – This program depends on your generosity in sharing your gifts. Whether you are a judge, litigator, transactional lawyer, or are engaged outside the practice of law; in-house, in a solo firm or large firm, a non-profit, or other setting; a seasoned lawyer or a more recent member of the profession, you have much to offer your student mentee—the opportunity to learn about the work you do, to benefit from your experience, and to receive your guidance.

Embrace the opportunity to teach the values and ethics of the profession, the importance of relationships, and what it means to be a member of this profession, but also to learn from these newest members of the profession as you guide them along their path.

We are here for you. We seek your feedback, welcome your questions, and appreciate how blessed we are to have the opportunity to form relationships with each of you.

Judith Rush, Director
Monica Anderson, Coordinator
PROGRAM OVERVIEW

Welcome to the Mentor Externship Program – a cornerstone of the curriculum since UST Law’s founding in 2001. This Manual is a guide for students and mentors participating in this award-winning program.

The Mentor Externship Program has three primary objectives: 1) to foster the highest levels of professionalism for students and mentors; 2) to help students develop the relationship skills necessary for professional success in any employment context; and 3) to equip students to deepen and broaden their own professional competencies by emphasizing the importance of self-directed learning as students and as lawyers.

This externship is rooted in a four step experiential learning process:

1. **Plan.** Each student, in collaboration with his or her mentor, creates a plan for the year.

2. **Observe/Participate/Create.** Students have an experiential opportunity to view the professional world, engage in hands-on lawyering activities, and better understand the diverse spectrum of work that lawyers and judges do.

3. **Reflect.** Students engage in reflective discussion with mentors, peers, and faculty mentors to foster the development of each student’s professional identity.

4. **Integrate.** Students are asked to realize the value of new information and to stay focused on both self-development of core professional competencies required in the profession, and the aspirational standards of a fully internalized professional with a deep sense of responsibility for others.

---

1. © 2015 University of St. Thomas School of Law. In an effort to remain a national leader and innovator in legal education, the program continues to evolve in response to student, mentor and faculty evaluation as well as employer and client needs. For a history of the program, see Neil Hamilton and Lisa Montpetit Brabbit, Fostering Professionalism through Mentoring, 57 J. Legal Educ. 102 (2007); Patrick J. Schiltz, Making Ethical Lawyers, 45 S. Tex. L. Rev. 875, 875-89 (2004); David Bateson, Is Mentoring Worth It?, University of St. Thomas School of Law 16 (Summer 2010); Lisa Montpetit Brabbit and David Bateson, Mentors Mind the Legal Gap, Legal Times, Sept. 4, 2006, http://www.legaltimes.com; Doug Stone, Mentoring the Gap Between Bar and Academy, University of St. Thomas School of Law 11 (Summer 2010).

2. The strong commitment of our mentors that gives every student the opportunity to have mentors throughout their legal education and engage in externship fieldwork has made UST’s Mentor Externship program the top law program in the country for externships in the National Jurist’s PreLaw Magazine since 2010. Our pioneering Mentor Externship program is also one reason UST Law was recognized as #3 school in the country for practical training (National Jurist March 11, 2014). The program has earned two national awards: the E. Smythe Gambrell Award for Professionalism (American Bar Association, August, 2005) and the Innovation and Excellence in Teaching Professionalism Award (The Conference of Chief Justices and the American Bar Association Professionalism Committee, Honorable Mention, April, 2005).

Each student establishes a mentoring relationship with a local lawyer or judge who introduces the student to the realities of legal practice, and at a more fundamental level, facilitates conversations essential to a student’s development of professional identity and skills during each year of study at UST Law. In addition to their fieldwork experiences, 2L and 3L students take a course guided by a Faculty Mentor focused on the importance of developing relationship skills, core competencies, and engaging in self-directed learning throughout their professional careers. U.S. LLM students take a guided course focused on essential competencies, developing relationships with mentors and clients, and an ongoing dialogue about what students are seeing and doing with their mentors, with particular focus on intercultural challenges.

The Mentor Externship Program is a relational program. Learning how to effectively form and maintain authentic relationships in the law is the key to learning, growing, serving, and being successful in the legal profession. This platform provides students the opportunity to form and maintain relationships through behavioral skills, technical skills, attributes, and attitudes. Those students who capture these opportunities will certainly increase their chances for and success in future employment. However, getting a job is not one of the program objectives and it would be inappropriate to ask a mentor for a job.

**Fieldwork**

More than 450 lawyers and judges currently participate in the program, working with a student body of approximately 375 students. The program has developed a core group of committed professionals who invest in the future of the profession. Strong quality control, extensive data management, and consistent personal contact ensure that each student/mentor pair has the opportunity to move forward on both the objectives of the program and student identified goals.

Each student’s individual course of learning is mapped out with his or her mentor in a three-part action plan, known as a Personal and Professional Development Plan (PPDP):

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3 The organization that follows was inspired by Janel M. Radtke’s work on writing business mission statements. http://www.tgci.com/podcasts/how-write-mission-statement-janel-m-radtke

4In addition to the core group of mentors in the Twin Cities Metropolitan area, mentors from around Minnesota and around the country participate in the program with students who may be studying away, participating in an internship elsewhere in the country during law school, or students who desire to establish an additional mentoring relationship in their hometowns or home states.

5 To achieve success, a significant number of resources are dedicated to the program, including strong financial support and dedicated lines of full-time and part-time faculty and staff.
Ethics Mission. The student reflects on his or her core values and first principles of professionalism and write an ethics mission to guide his or her professional actions. The student shares the ethics mission with his or her mentor.

Experiences. The student and mentor identify experiences they would like to engage in during the year.6

Debriefings. The student and mentor identify at least two topics to discuss during the year. Topics to discuss in these “debriefings” may be an experience, a template,7 or another topic related to the legal profession, the student’s professional identity formation, or other topic of interest to the mentor and student.

These meetings, debriefings, and experiences – which occur in person, in real time, and in the setting of the profession – facilitate the formation of professional relationships that are central to the legal profession and the program.

Throughout the year, the student takes the lead in developing the relationship with his or her mentor by initiating contact, engaging in the activities to carry out his or her plan, and recording all program activity using Mentor Log 5.0.8 The mentor facilitates contact by communicating the most effective way to reach him or her, and by being reasonably available and responsive to the student’s communications.

At the end of the year, the student prints his or her completed log, provides it to his or her mentor, and meets to discuss with the mentor the student’s activities during the year. This year-end meeting is an opportunity for the student to demonstrate to the mentor the value the student has received in the mentor relationship. (A detailed description of fieldwork terminology, record keeping, and the year-end meeting is available at the “Fieldwork Guide” section of this Manual.)

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6 Second- and third-year students complete a minimum of five distinct experiences; first-year and LLM students complete a minimum of four. Students and mentors have a list of suggested experiences available representing a diversity of practice areas and legal skills that correlate with the law school curriculum in each year of study. They can also do experiences together that are not on the list. For more detail, see the “Suggested Experiences” tab of this Manual.

7 A Mentor Externship template is a set of questions designed to facilitate a conversation on a given topic. The templates are set out at the “Debriefing Templates” tab of this Manual. Students must have at least one in-person debriefing conversation with their mentors during each semester, for a minimum requirement of two during the year.

8 The tailor-made Mentor Log software program has been in development by UST software engineers and the Mentor Externship department since 2002. Under the leadership of former Director David Bateson, significant enhancements in the Mentor Log 3.0 were released in the fall of 2011. The program continues to be improved under the oversight of the current Director, resulting in the release of Mentor Log 5.0 in the summer of 2015.
Mentor Externship Coursework for Credit

In addition to managing his or her mentor relationship and fieldwork activities, students take a one-credit Mentor Externship course in their second and third year of law school.9 Students in the LL.M. in U.S. Law Program take a two-credit Mentor Externship course.

These two semester courses integrate students’ fieldwork experiences with classroom experiences that explore key relationships lawyers must manage and core competencies and expectations of the profession, coupled with individualized guidance to each student in his or her self-directed professional journey.

These courses are “experiential” as defined by the ABA and meet the ABA’s experiential learning standards.10 Key course components include: 1) feedback and guidance from a Faculty Mentor11 throughout the year; 2) small group class sessions integrating student’s fieldwork experiences and perspectives and experiences of members of the profession; 3) written assignments focused on self-assessment, relationship skills, and core professional competencies.

For a detailed description of the Mentor Externship coursework, see the “Mentor Externship Coursework” section of this Manual.)

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9 The ABA does not allow students with fewer than 28 credits to earn credit for an externship. Second and third year students earn course credit consistent with ABA requirements. The one credit program is based on a 50 hour credit model, with 20 hours allocated to class attendance and preparation, assignments, and Faculty Mentor meetings, and 30 hours of fieldwork.

10 See ABA Standards 303(a)(3), 302, and 305, which can be found at http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_chapter3.authcheckdam.pdf

11 Faculty Mentors are adjunct faculty drawn from private practice, corporate, public sector, and the judiciary, as well as full-time UST Faculty and Staff. (See “Faculty Mentors 2015-16” at the “Mentor Externship Coursework” tab).
2015-16 STUDENT REQUIREMENTS

First Year Students

1. Attend two part orientation and training at the start of the academic year and receive mentor assignments.

2. Contact mentor early in September to arrange for a meeting to discuss the student’s Personal and Professional Development Plan (PPDP).

3. Research mentor and prepare a draft PPDP in Mentor Log 5.0 to print and discuss at the initial mentor meeting. (See “PPDP Guidance”)

4. Complete the PPDP and submit final in Mentor Log 5.0 no later than September 30, 2015. The student must certify that he or she met with the mentor in person and discussed the PPDP. (See “Standards of Conduct”)

5. Log all fieldwork activity as it is completed in Mentor Log 5.0, including orientation, all points of contact, experiences, and debriefings, even if they exceed program requirements. (See “Fieldwork Guide”)

6. Complete a minimum of 18 hours of total fieldwork during the year.

7. Complete a minimum of four distinct experiences during the year. One experience must be completed by December 4, 2015. (See “Suggested Experiences” and “Fieldwork Guide”).

8. Complete at least two debriefing conversations with the mentor following an experience, using a template (See “Debriefing Templates”), or on another topic. One debriefing must be completed by December 4, 2015. (See “Fieldwork Guide”).

9. Contact mentor in April to schedule a year-end meeting to discuss the completed mentor log.

10. Print completed mentor log, provide it to the mentor, and discuss it with him or her. The student must certify that he or she has met with the mentor in person and reviewed the year-end mentor log with him or her. (See “Standards of Conduct”). Log the year-end meeting by April 29, 2016.

While no academic credit is earned during the first year, successful participation in the program is required for graduation. (See “Professionalism and Good Standing” under the “Student Professional Responsibilities” tab)
Second and Third Year Students

1. Register for Laws 930 Mentor Externship (2L) or Mentor Externship II Laws 933 (3L).\(^{12}\)

2. Attend all classes and complete all Mentor Externship Course assignments. (See "Syllabus on Course Blackboard")

3. Prepare introductory letter and resume and send to mentor (with copy to faculty mentor and Career and Professional Development) by September 11, 2015. (See "detailed instructions on Blackboard")

4. Contact mentor early in September and arrange for an initial meeting.

5. Research mentor and prepare a draft PPDP in Mentor Log 5.0 to print and discuss at the initial meeting. (See “PPDP Guidance”)

6. Complete PPDP and submit final in Mentor Log 5.0 no later than September 30, 2015. Accurately certify that the meeting was with the mentor in person and the PPDP was discussed. (See “Standards of Conduct”)

7. Log all fieldwork activity\(^{13}\) as it is completed in Mentor Log 5.0, including all points of contacts, experiences, and debriefings, even if they exceed program requirements. (See “Fieldwork Guide”)

8. Complete a minimum of 30 hours of total fieldwork during the year.

9. Complete a minimum of five distinct experiences during the year. Two experiences must be completed by December 4, 2015. (See “Suggested Experiences”)

10. Complete at least two debriefings with the mentor following an experience, using a template (See “Debriefing Templates”), or on another topic. One debriefing must be completed by December 4, 2015.

11. Contact mentor in April to schedule a year-end meeting.

12. Print completed year-end log, and meet with mentor to discuss it. Accurately certify that the meeting was in person with the mentor and the completed mentor log was reviewed with him or her. (See “Standards of Conduct”). Log the year-end meeting by April 29, 2016.

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\(^{12}\) Student’s register in April for Fall of the following year. In November, students register for the same section and Faculty Mentor for the Spring semester.

\(^{13}\) Time spent attending and preparing for class, writing assignments, and meeting with the Faculty Mentor are not logged in Mentor Log 5.0 since they are part of the 20 hours allocated to the coursework.
Students receive a pass/fail grade for 0.0 credits for the Fall semester and a pass/fail grade for 1.0 credit at the conclusion of the year. A passing grade reflects that all course requirements were completed in a timely and professional manner consistent with the skills and professionalism required of lawyers. Students must pass both semesters to receive a passing grade for 1.0 credit at the conclusion of the year. (See "Professionalism and Good Standing" under the “Student Professional Responsibilities”)
LL.M. in U.S. Law Students

1. Attend two-part orientation and training at the start of the academic year and receive mentor assignments.

2. Contact mentor early in September to arrange for a meeting to discuss the student’s Personal and Professional Development Plan (PPDP).

3. Research mentor and prepare a draft PPDP in Mentor Log 5.0 to print and discuss at the initial mentor meeting. (See “PPDP Guidance”)

4. Complete the PPDP and submit final in Mentor Log 5.0 no later than September 30, 2015. The student must certify that he or she met with the mentor in person and discussed the PPDP. (See “Standards of Conduct”)

5. Log all fieldwork activity as it is completed in Mentor Log 5.0, including orientation, all points of contact, experiences, and debriefings, even if they exceed program requirements. (See “Fieldwork Guide”)

6. Complete a minimum of 18 hours of total fieldwork during the year.

7. Complete a minimum of four distinct experiences during the year. One experience must be completed by December 4, 2015. (See “Suggested Experiences” and “Fieldwork Guide”).

8. Complete at least two debriefing conversations with the mentor following an experience, using a template (See “Debriefing Templates”), or on another topic. One debriefing must be completed by December 4, 2015. (See “Fieldwork Guide”).

9. Contact mentor in April to schedule a year-end meeting to discuss the completed mentor log.

10. Print completed mentor log, provide it to the mentor, and discuss it with him or her. The student must certify that he or she has met with the mentor in person and reviewed the year-end mentor log with him or her. (See “Standards of Conduct”). Log the year-end meeting by April 29, 2016.

Time spent attending and preparing for class, writing assignments, and meeting with the Faculty Mentor are not logged in Mentor Log 5.0.
STUDENT PROFESSIONAL RESPONSIBILITIES

Professionalism and Good Standing

The Mentor Externship Program plays an essential role in law students’ professional formation, and the UST Law community is committed to ensuring that each student successfully completes the program.

Mentor Externship focuses on relationships and professionalism. Students are expected to manage their mentor relationships, complete fieldwork and course requirements, and communicate with mentors and Mentor Externship staff in a timely and professional manner. Failure to do so may result in a loss of good standing in the program and loss of academic credit.

UST Law’s Academic Policy Manual Rule III-A-1 provides that satisfactory completion of all requirements associated with the Mentor Externship Program must be met in order to earn the JD degree.

Failure to perform the requirements of the program has serious academic consequences, including:

- Academic probation
- Loss of scholarship
- Loss of extracurricular opportunities

Receiving a failing grade as a 2L or 3L will also result in:

- A failing grade on the student’s transcript
- Repeating the course (causing delay and additional cost)

In addition to the academic repercussions, failing to meet the responsibilities of the program can negatively impact a student’s reputation:

- In the legal community resulting from the impression given to mentors or other lawyers and judges in the community
- In the UST academic community resulting from the impression given to administration, faculty, and staff

Upon graduation, the Dean must certify that each student possesses the necessary character and fitness to be considered for admission to the bar. How students conduct themselves in the program and during their law school careers may negatively impact the Dean’s ability to make this positive certification.
Standards of Conduct

A student’s conduct in the Mentor Externship Program is governed by UST Law’s Code of Student Responsibility. Students are trusted to exercise good judgment and to accurately and honestly satisfy their obligations in the program. Students are required to make a number of certifications so that they understand the standards and give proper attention to accuracy in their submissions.

The standard of honesty and accuracy required in the legal profession and by UST Law’s standards are exacting and demanding and require absolute honesty. A student’s written submissions, certifications, and answers to “yes” or “no” questions consequently require attention to this standard; failure to adhere to the standards can result in a Code of Student Responsibility violation.

In addition to the need to submit accurate logs, students make the following certifications, all of which are governed by the Code:

**Applicability of Code of Student Responsibility.** “I understand that I am responsible for the content and accuracy of all submissions in connection with Mentor Externship and that any submission I make that is false or misleading, and any dishonesty or violations of the rules governing my responsibilities in the program may constitute ‘academic misconduct’ in accord with UST Law’s Code of Student Responsibility.”

**Student Practice and Confidentiality Rules.** “I certify that I have read Student Observation Rule 3 and Rule 1.6 of the Minnesota Rules of Professional Conduct and certify that I will maintain confidentiality as required by Rule 1.6 and ensure that I am identified as a student to clients and they agree to my involvement.”

**PPDP.** “I certify that I have met in person with my mentor (or that I have been given express, advance permission by the Director to communicate with my mentor in a different manner), and that I have reviewed and discussed this PPDP with my mentor.”

---

**Year-End Meeting.** Students must answer “yes” or “no” to the following:

1. Did you provide a copy of your completed Mentor Log to your mentor and discuss it with him or her?
2. Have you logged time for any disallowed activity? (See “Disallowed Activities” tab)
3. I certify that all of my submissions are true and correct.

The Code of Student Responsibility can be violated regardless of whether a student’s misrepresentation or inaccurate statement is intentional or not. To ensure compliance with these standards, students must:

1. Become familiar with the requirements of the course.
2. Ensure the dates, times, and other details in log entries are accurate.
3. Carefully read the content of the statement to which you are certifying “yes” or “no.”
4. Refrain from checking off “yes” or “no” unless it is an unequivocal “yes” or “no” to the entire statement. (“Yes, but” or “No, except” is not unequivocal)
5. Seek guidance from the **Mentor Externship Director** if you have questions about course requirements or to request permission to be exempted from a requirement.

**Examples of conduct that violates the Code of Student Responsibility:**

1. A student saves her PPDP, checking off that she met with her mentor. In fact, she has not met with her mentor.

2. A student certifies in his PPDP that he has read Rule 1.6 of the Rules of Professional Conduct and agrees to abide by the Rule. In fact, he did not read the rule.

3. A student logs an event indicating that he attended an appellate court argument; in fact, he watched the argument on the internet.

4. A student logs a debriefing, indicating that her mentor was present. In fact, her mentor was out of the country so they talked on the phone. The student did not get permission to do a debriefing that was not in person with the mentor, and did not disclose the circumstances in her entry. The entry was approved based on the false assertion.
Extensions

In your law school career, as in the legal profession, deadlines must be met, and timely and professional action and communication is required. Circumstances may arise that you cannot control that interfere with your ability to meet a deadline or other obligation. One of the more important skills you will learn is how to manage expectations in the process. In the legal profession, circumstances can change rapidly, perhaps due to action or inaction on your part or on someone else’s part. Either way, as a lawyer, and as a student, how you manage the expectations of everyone affected will impact your professional identity. You will have many opportunities to sharpen this skill in the Mentor Externship Program, where you can expect that schedules, plans, and activities can change with little or no notice.

As explained in “Professionalism and Good Standing” deadlines have to be met in order to be in good standing and pass Mentor Externship. If for any reason it appears that you may be unable to meet a deadline, a request for an extension will need to be made to the Director of Mentor Externship.

For example, if your mentor is unable to meet with you to discuss the PPDP in September, you will need to manage the expectations of everyone involved. In this common situation, you have two primary stakeholders, the Mentor Director and your mentor:

To manage the expectations of the Director and meet your responsibilities, you will need to make a request for an extension. The best practices for requesting an extension here and in the profession include the following steps:

1. Make the request in advance of the impending deadline;
2. Identify the circumstance that will or may result in an inability to meet a deadline; and
3. Respectfully propose a different deadline.

To best manage the expectations of your mentor and, importantly, to demonstrate your skills in managing the process, you may want to consider:

1. Confirming with your mentor a new date;
2. Subsequently reporting to the mentor that you have been in contact with the Director and have been given an extension;
3. Communicating to your mentor that you appreciate the mentor’s flexibility as you navigate the program requirements and the mentor’s busy schedule.

If your action or inaction causes difficulty for someone else or a missed deadline, an acknowledgement or an apology can go a long way in protecting your reputation.
We want you to succeed in Mentor Externship and in the profession and are here to help. If you have any questions about what the program requires or are having a difficult time managing your responsibilities or mentor relationship, contact us right away. If you are overwhelmed, stressed, or need other assistance, contact us, the Director of Academic Achievement, or UST’s Counseling Services. Additional student assistance information is available to the Law Mentor Program Community Blackboard under the “Help” tab.

Class Absences for Mentor Fieldwork

UST Law’s Academic Policy Manual Rule III-C-5 (D) allows students to be absent from one class per course per semester to attend a Mentor Externship activity:

D. Mentor Program Absences.

Each student is entitled to miss one class session per course per semester, with advance notice to the instructor, in order to attend a mentor activity. Instructors shall define in the course syllabus a reasonable amount of advance notice and any circumstances under which a student may not miss a specific class (for instance, because a student’s absence in class would disrupt the objectives of the class or put a client at a disadvantage). This policy does not apply to intensive courses taught between semesters or in the Fall before regular classes begin. Students are not entitled to miss a class under this policy if missing the class for a mentor activity would result in the student missing a total of 20% or more of a course’s in class time. Notwithstanding Section III-C-5 (C) above, no instructor may penalize a student for electing to miss class in accordance with this policy, so long as the student complies with the requirements set forth in the instructor’s syllabus.

This policy recognizes that a student’s Mentor Externship fieldwork is as important to a student’s education as other coursework. It also recognizes the need for a student to manage his or her busy class schedule while accommodating the mentor’s busy schedule to take advantage of mentoring opportunities. At the same time, it recognizes the need for students to communicate with the course instructor in a timely manner and not schedule an activity in conflict with a class that an instructor has specified cannot be missed in the syllabus.
Disallowed Activities

In order to meet ABA standards for externships and the objectives of the program, the following activities will not receive credit:

1. **Double-dipping.** Any activity that independently produces other credit or compensation (employment/monetary, class credit, or public service requirement credit) or is a required component or activity of law school coursework or extracurricular activities (law review symposium or similar activity, legal clinic activities, course assignments).

2. **Law School Extracurricular Activities.** Attending or participating in moot court, mock trial, trial advocacy or similar event in conjunction with a law school course or extracurricular activity, regardless of whether academic credit is received for the activity.

3. **Internships or Unpaid Positions.** Any activity that is part of a credit-earning externship, internship or an unpaid position that a student identifies on his or her resume or otherwise represents as a “volunteer” activity.\(^\text{16}\)

4. **On-campus Activities.** On-campus seminars, lectures, or speakers, such as on-campus presentations from Career and Professional Development, Student Organizations, the Holloran Center, the Prolife Center, and the Murphy Institute, or other groups or departments that are not Continuing Legal Education programs or networking events with lawyers or judges.

5. **Activities Outside the Course Calendar.** Time logged for fieldwork activities, other than Orientation, that occur prior to the first class day of Fall semester or after the deadline for logging the year-end mentor meeting.

6. **Activities Inconsistent with Course Objectives.** Experiences that do not involve contact with or presence of a mentor, another lawyer, a judge, or another individual approved by the Director; experiences that the student did not attend in person; or a PPDP, year-end meeting, or debriefing that is not in person, without advance permission of the Director.\(^\text{17}\)

\(^{15}\) The Director may approve exceptions to allow credit for activities in special circumstances, solely at her discretion. A request for an exception should be made in advance.

\(^{16}\) Time can be logged for activities outside the scope of what is being identified as volunteer activity. For example, a student who has a 10 hour per week internship could log experiences for credit that occur outside the 10 hours in a given week for Mentor Externship fieldwork hours.

\(^{17}\) For example, a student may not receive credit for viewing an online CLE program or legislative hearing. On the other hand, a student may receive credit for joining in on a telephone conference with his or her mentor.
MENTOR RESPONSIBILITIES AND ACTIVITIES

Mentor Responsibilities

1. Meet with your student before September 30, 2015.
2. Discuss and complete with your student a Personal and Professional Development Plan (See “PPDP” tab) during the initial meeting before September 30, 2015.\(^1\)
3. Debrief, with your student, a minimum of 2 topics during the year (at least 1 of which should occur prior to December 4, 2015), which may be a conversation following an experience, a debriefing template, or a conversation about another topic. (See “Debriefing Templates” for examples).
4. Strive to complete a minimum of 2 experiences together during the year (See “Suggested Experiences”).
5. Meet with your student to review and discuss the student’s completed mentor externship log\(^2\) by April 29, 2016.
6. Commit approximately 15 hours to mentor activities during the school year (August-May).

Common Mentoring Activities

**Observation.** Student observation of lawyer activity is a common engagement model for student experiences in the program. This experience can be enhanced when students prepare for an observation by researching relevant substantive law or procedural rules, review pleadings or other documents or sources, or discuss how the mentor prepares for the activity.

**Real World Simulation.** Many students have not had an opportunity to undertake any type of lawyering activity or experiences related to the legal profession. In some instances, the activity can be “replicated” to simulate work activity. Examples include drafting documents for closed client matters, closed files or work product already completed. Mentors can provide the same instruction for the student that he or she would for a first-year associate or judicial law clerk. Comparing the student draft to the

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\(^1\) Students certify that they have met and discussed the PPDP with the mentors; mentors do not sign the PPDP.

\(^2\) At the end of the year, each student prints his or her log and provides a copy to his or her mentor for review and discussion. This is an in person meeting unless the Director has made an exception to accommodate the needs of the mentor or other exigent circumstances.
final product can provide a teaching opportunity. As another example, a student may prepare his or her own set of deposition questions, direct examination questions, or arbitration questions. Real world simulation in the program allows a student to stand in the shoes of the lawyer who has already, or contemporaneously, completed the work.

**Work Product.** Students can be given manageable assignments with close supervision from the mentors. For example, students can conduct research, write memorandums or briefs, summarize depositions, or draft documents for the mentor. Students cannot be compensated for this activity.

### Optional Activities for Mentors

As valued members of the UST Law community, mentors are invited to participate in the following activities:

- **Mentor Educational Programs.** The Mentor Externship Program offers annual programming on mentoring which qualifies for CLE credit.

- **Year-end Mentor Appreciation Reception.** The Mentor Externship Program has a reception each April to honor mentors and celebrate the end of a successful year with mentors, students, faculty and staff. Mentors receive the date at the beginning of the year, and receive an invitation closer to the event.

- **Continuing Legal Education programs offered by UST Law, Holloran Center, the ProLife Center, the Murphy Institute, and UST Law student organizations.** Mentors can earn CLE credit for free or at a significantly reduced rate as a show of appreciation for their service in the program.

- **Symposia, Receptions, and other Activities.** Mentors have the opportunity to socialize and network with other mentors and the UST Law Community.

Details of these programs and events are provided as events are posted on our website at: [http://www.stthomas.edu/law/currentstudents/mentorexternship/](http://www.stthomas.edu/law/currentstudents/mentorexternship/)

Mentor contributions to the program are welcomed and appreciated:

- **Program and Coursework.** Mentors are encouraged to offer insight on classroom topics and programs, to attend the classes, and to share with their mentees and other students the benefit of their experience. Mentors who have an experience they would like to share with a group of students or wish to contribute in other ways may contact the Director or a student’s faculty mentor at any time.
Templates and Experiences. Mentors are encouraged to suggest experiences or develop templates in their practice areas for inclusion in these materials. (See “Suggested Experiences” and “Debriefing Template” sections for examples).
Protecting Confidentiality and Privilege in the Mentoring Relationship

Each mentor should carefully consider his or her student’s access to confidential information. All students have certified that they will maintain confidentiality under Rule 1.6 of the Minnesota Rules of Professional Conduct (See “Rule 1.6” Tab below). All students are also certified under Minnesota Student Practice Rule 3, Student Observation of Professional Activities, which allows students to observe lawyers conducting professional activities with clients, including private lawyer-client communications without destroying the privileged nature of communications in a professional setting. Students must be identified as students to clients and accepted by the client.

Mentors are encouraged to discuss confidentiality with students. The discussion provides an opportunity to teach students the meaning of confidentiality and how it is protected in practice. The discussion also allows a mentor to discuss any particular concerns a mentor has regarding confidentiality.

Mentors may require students to follow particular confidentiality guidelines or execute confidentiality agreements. A sample Confidentiality Agreement follows which can be used before students become privy to a variety of confidential information (clients, firms, marketing, finances, etc.).

Minnesota Practice Rule 3:
Bringing the Profession to Legal Education

The Minnesota Supreme Court adopted Minnesota Student Practice Rule 3 (Student Observation of Professional Activities), which allows students to observe lawyers conducting professional activities with clients, including private lawyer-client communications without destroying the privileged nature of communications in the professional setting.

Rule 3.01 provides:
An eligible law student may, under the supervision of a member of the bar, observe any and all professional activities of a member of the bar, including client

20 Prepared by Lisa Montpetit Brabbit, Senior Assistant Dean for External Relations and Programs, and Dave Bateson, then Director of Mentor Externship. Assistant Dean Brabbit, Director Bateson and Christina Hilleary (’09) assisted the Minnesota State Bar Association in its effort to petition the Minnesota Supreme Court for the adoption of Rule 3. The petition was successful and the Court adopted Rule 3 in the Spring of 2009. A complete copy of the petition can be found at: [http://www.stthomas.edu/media/schooloflaw/mentor/MSBAStudentPracticePetition2009.pdf](http://www.stthomas.edu/media/schooloflaw/mentor/MSBAStudentPracticePetition2009.pdf)
communications. Communications between the client and the student shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine, and the presence of the student during communications between the lawyer and client shall not, standing alone, waive these evidentiary privileges. The law student's observation must be part of an academic program or a course for academic credit.

The rule permits law students to observe a broader spectrum of the legal profession, improving the caliber of legal education and legal services provided in the future. Prior to Rule 3, the attorney-client privilege was arguably waived when a law student observed a communication between an attorney and the attorney's client because the law student was not “essential” to the communication.21

Prior to Rule 3, many mentors refused to allow students to observe their communications with clients or to discuss case strategy with them, because they did not wish to risk the possibility that a student could be called as a witness to testify regarding these confidential communications. Students' inability to observe attorney-client communications interfered with the skill development and professional formation of new attorneys.22 The exclusion prevented students from observing, analyzing, and internalizing some of the most important professional skills associated with the administration of justice: navigating the attorney-client relationship.23 Rule 3 will assure that these opportunities are available to students in a professional and supervised setting.

Rule 3 also provides an opportunity to improve legal education. According to the MacCrate Report,24 law students are widely perceived to be incapable of performing

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21 8 JOHN H. WIGMORE, EVIDENCE IN TRIALS AT COMMON LAW § 2300 at 581 (8th ed. 1961) ("[A] mere student at law, aspiring to future entrance to the profession, is without the privilege, however much legal skill he may possess in comparison with some of those who are within it.") (citing Andrews v. Solomon, 1 Fed. Cas. 899, 901 (No. 378) (C.C. Pa. 1816); Barnes v. Harris, 61 Mass. (7 Cush.) 576 (1851); Schubakgel v. Dierstein, 131 Pa. 46, 54, 18 Alt. 1059, 1060 (1890); Holman v. Kimball, 22 Vt. 555 (1850)). For a detailed analysis of the intersection between law students and the attorney-client privilege, see Ursula H. Weigold, The Attorney-Client Privilege as an Obstacle to the Professional and Ethical Development of Law Students, 33 PEPP. L. REV. 677 (2006).

22 See, e.g., John Sonsteng & David Camaretto, Minnesota Lawyers Evaluate Law Schools, Training and Job Satisfaction, 26 WM. MITCHELL L. REV. 327, 334-39 (2000) (A survey of law graduates in Minnesota isolated seventeen different skill areas for successful practice. Far more than half of all respondents perceived these skills as important to practice, yet in nine of the seventeen areas, more than fifty percent of respondents did not believe they were well-prepared after graduation. Some of the most important areas in which law graduates perceived themselves as unprepared were negotiation, counseling, drafting legal documents, the ability to diagnose and plan solutions for legal problems, and the ability to obtain and keep clients.)


some of the essential functions of the profession upon their graduation from law school.\textsuperscript{25} Like the MacCrate Report, the Carnegie Report\textsuperscript{26} emphasizes the importance of an interdependent connection between professional education and the profession.

We encourage mentors to combine Rule 3 with creativity and opportunity for the benefit of our students. We encourage mentors to consider the many ways Rule 3 can be used to teach students about the attorney-client relationship including the core duty of confidentiality owed to clients, the evidentiary attorney-client privilege, ensuring that clients and others understand your role, and being aware of potential or perceived conflicts of interest.

All eligible UST law students are certified under Rule 3 at the start of the school year by taking an oath and electronically signing a confidentiality statement in their PPDP.

**Rule 3. Student Observation of Professional Activities**

**Rule 3.01. Observation of Professional Activities**

An eligible law student may, under the supervision of a member of the bar, observe any and all professional activities of a member of the bar, including client communications. Communications between the client and the student shall be privileged under the same rules that govern the attorney-client privilege and work product doctrine, and the presence of the student during communications between the lawyer and client shall not, standing alone, waive these evidentiary privileges.

The law student's observation must be part of an academic program or a course for academic credit.

**Rule 3.02. Eligible Law Students**

An eligible law student is one who:

1. is duly enrolled at the time of original certification in a school of law in Minnesota approved by the American Bar Association;
2. has been certified by the Dean or designee of the law school as being of good academic standing;

\textsuperscript{25} Id.

(3) has signed a statement certifying that the student will maintain the confidentiality that a lawyer is required to maintain under Rule 1.6 of the Minnesota Rules of Professional Conduct; and

(4) has been identified as a student and accepted by the client.

**Rule 3.03. Certification**
Certification of a student by the law school shall be filed with the Board of Law Examiners for approval. Written notification of approval shall be provided by the law school. The certification shall remain in effect for twelve (12) months after the date filed. Law students may be recertified for additional twelve-month periods. Certification shall terminate sooner than twelve (12) months upon the occurrence of the following events:

(1) Certification is withdrawn by the Dean by mailing a notice to that effect to the law student and the Board of Law Examiners along with the reason(s) for such withdrawal;

(2) Certification is terminated by the Board of Law Examiners by mailing a notice to that effect to the law student and to the Dean along with the reason(s) for such termination;

(3) The student does not take the first bar examination following his or her graduation, upon which the certification will terminate on the first day of the exam;

(4) The student takes but fails in the bar examination, upon which the certification will terminate upon notice to the Dean and the law student of such failure; or

(5) The student takes and passes the bar examination and is admitted to the bar of this court.

**Rule 3.04. Supervisory Attorney**
The attorney who supervises a student under Rule 3 shall:

(1) be a member of the bar of this court;
(2) assume personal professional responsibility for and supervision of the student's conduct;
(3) be present with the student during all interactions with the client; and
(4) report to the law school supervisor for the academic program or course as required by the law school supervisor.
Rule 3.05. Miscellaneous
Nothing contained in this rule shall affect the existing rules of this court or the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this rule.
Rule 1.6 Confidentiality of Information

(a) Except when permitted under paragraph (b), a lawyer shall not knowingly reveal information to the representation of a client.

(b) A lawyer may reveal information relating to the representation of a client if:

(1) the client gives informed consent;
(2) the information is not protected by the attorney-client privilege under applicable law, the client has not requested that the information be held inviolate, and the lawyer reasonably believes the disclosure would not be embarrassing or likely detrimental to the client;
(3) the lawyer reasonably believes the disclosure is impliedly authorized in order to carry out the representation;
(4) the lawyer reasonably believes the disclosure is necessary to prevent the commission of a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer’s services, or to prevent the commission of a crime;
(5) the lawyer reasonably believes the disclosure is necessary to rectify the consequences of a client’s criminal or fraudulent act in the furtherance of which the lawyer’s services were used;
(6) the lawyer reasonably believes the disclosure is necessary to prevent reasonably certain death or substantial bodily harm;
(7) the lawyer reasonably believes the disclosure is necessary to secure legal advice about the lawyer’s compliance with these rules;
(8) the lawyer reasonably believes the disclosure is necessary to establish a claim or defense on behalf of the lawyer in an actual or potential controversy between the lawyer and the client, to establish a defense in a civil, criminal, or disciplinary proceeding against the lawyer based upon conduct in which the client was involved, or to respond in any proceeding to allegations by the client concerning the lawyer’s representation of the client;
(9) the lawyer reasonably believes the disclosure is necessary to comply with other law or a court order; or
(10) the lawyer reasonably believes the disclosure is necessary to inform the Office of Lawyers Professional Responsibility of knowledge of another lawyer’s violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects. See Rule 8.3.

Sample Confidentiality Agreement  
UST Law Mentor Externship Program

As part of my participation in the University of St. Thomas School of Law Mentor Externship Program, I, ______________________________, hereby enter into this Agreement with _____________________________, and agree as follows:

I shall not, except as authorized by _________________________________
at any time during or after the Mentor Externship Program disclose to any other person or entity any proprietary, confidential, or sensitive information of or pertaining to ______________________________________ (collectively called “Confidential Information”), which has come into my possession, custody or knowledge during the course of the Mentor Externship Program; nor shall I use any such Confidential Information for my personal use or advantage or make it available to others. I will not disclose or use, directly or indirectly, any Confidential Information, or make such Confidential Information available to others for use in any way.

Confidential information includes ____________________________________________

__________________________________________________________

All information, received by me, the student in the Mentor Externship Program, pertaining to ________________________________or ______________________________________’s business is presumed to be confidential until it becomes readily available to the general public lawfully and without breach of confidential obligation.

By my signature below, I hereby acknowledge that I have read this Agreement and agree to its terms.

_____________________________  ______________________________
Name of Student (Please Print)  Name of Mentor (Please Print)

_____________________________  ______________________________
Signature  Signature

_____________________________  ______________________________
Date  Date
Avoiding Conflicts of Interest in the Mentor Relationship

Obligation to Avoid Conflicts of Interest. The Minnesota Rules of Professional Conduct and its conflict of interest rules apply to a law student who is certified under Student Practice Rule 1 or 2. While law students are not expressly governed by the Rules, under Student Observation Rule 3 a law student who is employed or who has a paid or unpaid externship or internship with a legal employer will need to think about the potential for conflicts between the interests of his or her employer or externship/internship placement and his or her activities in Mentor Externship.

Actual or Potential Conflicts of Interest. An actual conflict of interest occurs where the interests of a client are adverse to the interests of the lawyer or a lawyer’s other client. While a student as a mentee is not representing a client, his or her activities or access to confidential information of a mentor’s client may create a conflict with the clients of a student’s employer or externship/internship placement. For example:

A student who is a Certified Student Attorney for a legal aid agency has a conflict of interest if he or she researches and writes a memo for a mentor or is given access to confidential information relating to a client who is adverse to a client of the legal aid agency.

Potential conflicts of interest occur when a student has an employer or externship/internship placement that is at odds with a case the mentor is handling or the mentor’s practice area, or with the mentor’s role as a judicial officer. Regardless of whether an actual conflict of interest exists, loyalty concerns or the perception of a conflict can be troublesome for the mentor, the employer, or the externship/internship placement. For example:

A student who is a Certified Student Attorney in a county attorney’s office has a potential conflict if he or she is paired with a mentor who represents clients in matters adverse to that county. Since a county attorney’s office is a law office, a potential conflict of interest might exist even if the student is not in the division of the county attorney’s office to which the mentor is adverse.

A student in an externship/internship/clerkship placement in a county attorney’s office or a district public defender in a county has a potential conflict if he or she is paired with a district court judge from that county as a mentor because of the appearance of a conflict, even if the student is not working on criminal cases or civil cases that come before the judge.

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27 See generally Minnesota Rules of Professional Conduct 1.7, 1.8, 1.9, 1.10.
A student working or interning at a private law firm or legal aid office has a potential conflict if he or she is paired with a mentor who represents a client adverse to the firm.

**Avoiding and Addressing Potential Conflicts.** Avoiding conflicts requires a student to 1) be aware of the potential for conflicts; and 2) communicate with Mentor Externship, the employer or externship/internship placement, and his or her mentor.

1. **Notify Mentor Externship when Giving Mentor Preferences.** A student updates his or her profile in Mentor Log 4.0 each year to indicate his or her mentor preferences. If the identified interest areas are related in subject matter to the work the student does for an employer or externship/internship placement, the student should identify in the “other pairing information” section the student’s employer or externship/internship placement so Mentor Externship can avoid pairing the student with a mentor whose practice area or role might present the potential for a conflict of interest.

2. **Communicate with the Employer or Externship Placement.** If a student is paired with a mentor whose practice area or role may create a potential conflict, or the appearance of a conflict, the student should contact the employer or externship/internship supervisor. The employer or externship/internship supervisor needs to know about it so he or she can determine whether the student’s assigned mentor may present a conflict of interest, or put in place measures to avoid any conflict.

3. **Communicate with the Mentor.** The PPDP meeting is a good time to talk to the mentor not just about the work he or she does but also what the student is involved in: employment, volunteer legal activities, clinic client representation, etc. This will allow the mentor to anticipate and discuss with the student any potential conflicts that may arise.

**Protecting Confidentiality to Avoid Potential Conflicts.** The potential for conflicts of interest is lessened by maintaining confidentiality of client information as required by Rule 1.6. Each student certifies and acknowledges in the PPDP that he or she has read Rule 1.6 of the Rules of Professional Conduct and will keep information confidential. By making this certification, client confidentiality and attorney-client privilege protections apply, and the mentor can ethically share client information. To keep information in the mentor relationship confidential, a student must never discuss client information or any other confidential information with others, and must describe clients generally rather than using client names in Mentor Log 5.0.
FIELDWORK GUIDE

The Mentor Externship fieldwork supports the initiation and management of the mentor relationship, provides an opportunity to observe and do the work that lawyers and judges do and to develop core skills and competencies in a setting that allows for oversight, thoughtful reflection, and feedback.

Understanding and Using Mentor Log 5.0

Purpose of Logging Fieldwork
Students record their fieldwork events as they occur in Mentor Log 5.0, which simulates time management and billing software used in the legal profession. In addition to serving as an administrative quality control and outcomes tool, Mentor Log 5.0 also:

- Ensures that ABA accreditation standards are met by effective oversight of program requirements
- Helps students develop the time tracking skills expected in the profession
- Allows students to visualize billing as a communication tool
- Teaches students the art of accurately describing their law related activities
- Allows students to reflect on what they are learning from their experiences
- Provides an opportunity for faculty feedback and guidance to students as they pursue their self-directed professional journey

Tracking time immediately following the event will ensure that the entry meets the accuracy standards required in the program (and the profession), and ensures that students receive credit for their time investment in the program. Entries must be submitted in a timely manner; events not logged within 90 days may not be approved for credit.

Milestones
Mentor Log 5.0 tracks significant milestones in the relationship, including points of contact; the initial PPDP meeting with the mentor; the mentor debriefings, experiences, and total hours required during the year; and the year-end meeting with the mentor. Approaching deadlines are coded in colors:

- Grey status - students should note the deadline and manage their time to meet it
- Yellow status - the deadline is quickly approaching
- Green status – the student has satisfactorily completed the requirements

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28 5.0 is the most recent major release of the University of St. Thomas’ unique Mentor Externship software.
- **Red status** - further action is required to maintain good standing, unless an extension has been granted. (See “Professionalism and Good Standing” under the “Student Professional Responsibilities” section).

Approval and Feedback
The following Mentor Externship staff and faculty review all logged entries and provide feedback:

**Monica Anderson** - mpanderson@stthomas.edu – Coordinator for External Relations and Programs. Monica oversees student submission of orientation, PPDPs, Year-End Mentor Logs, and compliance with deadlines.

**Anna Lima** – lima5102@stthomas.edu – Adjunct Professor. Anna reviews student submissions and provides professional development feedback and context in Mentor Log 5.0.

**Judith Rush** - jmrush@stthomas.edu – Director of Mentor Externship. Judie reviews student submissions and provides feedback in Mentor Log 5.0. Judie is the “go-to” person who approves extensions, gives “director approval” to activities that allow students to develop their individual professional development outside the identified experiences, and answers questions and provides help along the way.

Second and third year J.D. students additionally receive feedback on their entries from their Faculty Mentors.

Approval Standards
Mentor Log 5.0 ensures that entries meet minimum requirements by requiring dates, minimum word counts, and identification of mentors and other identified lawyers and judges involved in activities. (For a description of the events and their specific requirements “Fieldwork Terms and Descriptions” tab).

Each student entry is reviewed by adjunct faculty or the director to ensure compliance with ABA standards and the standards and objectives of the program, and are coded in the following way:

- **Approved** - the entry is accurately categorized, adequately describes the event, and is properly reflective.

- **Returned** – the entry as submitted needs revision before it can be approved. Common reasons include 1) the event is not accurately categorized (See the “Fieldwork Terms and Descriptions” tab) or insufficient information has been provided to make the

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29 Fieldwork is completed and logged during the academic year between the commencement of fall semester and the designated due date to log the Year-end Meeting in April in compliance with ABA standards.
determination; 2) the event is not described in sufficient detail for a reader to understand what occurred; 3) the description does not adequately reflect what was learned or taken away from the event; or 4) it does not meet the minimum professional standards for submission (complete sentences, proofread). Students receive suggestions on how to revise returned entries for approval.

- **Rejected** – (rarely occurs), the entry as submitted will not, under any circumstances, be approved because it is one of the experiences that have been identified as not appropriate for credit, has not been submitted in a timely manner, or is not consistent with the primary objectives of the program. (See the “Disallowed Activities” tab). The reviewer will indicate in the comments why it has been rejected.

The status of an entry is reflected in the student’s dashboard in Mentor Log 5.0. Students should regularly check their entries in Mentor Log 5.0 to see whether they have been approved, to make any necessary corrections, review any feedback, and monitor their progress. Students are responsible for reviewing their entries and addressing any deficiencies in a timely and professional manner.
Fieldwork Terms and Descriptions

Mentor Log 5.0 entries are organized around three one-time events and four main fieldwork categories.

**Events:** The three one-time events that are logged include:

**Orientation**
1Ls use this category just once to record attendance at the two hour-long orientation. Students log the date, the amount of time spent in orientation, and provide a brief description.

**PPDP Meeting**
This category is used to record the time spent by a student: 1) preparing to meet his or her mentor for the first time and preparing the draft PPDP form in Mentor Log 5.0 to reflect the experiences and debriefings he or she would like to have this year; 2) traveling to and from the meeting; and 3) the meeting itself. A student drafts the PPDP in Mentor Log 5.0, saves the draft, and brings it to the in-person meeting to discuss with the mentor. After the meeting, the student revises the PPDP to reflect any changes, logs the meeting and travel time, and submits the final PPDP. At this point, the student makes the necessary certifications to complete the PPDP. (See “Standards of Conduct” section at the “Student Professional Responsibilities” tab)

**Year-End Mentor Meeting**
This category is used to record the year-end meeting. Once a student has completed all of his or her fieldwork, he or she prints the complete Mentor Log, and brings it to an in-person meeting with the mentor to discuss it. After the meeting, the student logs the meeting, describes the meeting, and submits the event. At this point, the student makes the necessary certifications to complete the Year-End Meeting event. (See “Standards of Conduct” section at the “Student Professional Responsibilities” tab) If a student’s fieldwork will not be complete at the time of the Year-End Meeting, the student should contact the Director prior to the meeting to determine how to address the deficiency.

**Fieldwork Activities:** Throughout the year, a student maintains the relationship with his or her mentor, optimally meeting with the mentor at least monthly for experiences or debriefings, and logging all events as they occur, even if they exceed the minimum fieldwork event or hour requirements. The four fieldwork event categories are:
Point of Contact

This category is used to track brief contacts with the mentor\(^{30}\), such as emails, text messages, telephone conversations, or thank you notes to stay in touch or to schedule events. These contacts are typically brief and non-substantive. However, it is still important to record them to receive credit for the time and to show that the student is maintaining contact with his or her mentor throughout the year. (No minimum word count; contact must be with mentor or mentor’s staff; all time counts toward required hours)

*Note:* Mentor Log 5.0 simulates billing and time tracking practices commonly used in the profession. Because it tracks 15-minute increments, students are expected to use their own judgment to determine how much time is reasonable for very brief or successive brief contacts, just as they would if billing a client. For example, a student can log four brief emails separately that total one hour, if he or she thinks it is reasonable, or can accumulate the time or log it at 0 minutes if he or she thinks it is more reasonable to do so.

Debrief

This event is used to record conversations with the mentor\(^{31}\). A debrief may be 1) a discussion before or after having an experience with a mentor, 2) a meeting with the mentor to discuss an experience the student had without the mentor, law school experiences, or other conversations that are in the nature of a mentoring relationship, or 3) a discussion of one of the prepared templates (An index and templates for debriefing are available at the “Debriefing Templates” tab). (Debriefings must be an in-person meeting with the mentor unless excused by Director; minimum of two 100-word debriefings are required).

The debriefing entry is written in complete sentences, proofread, and: 1) describes the conversation or set forth the responses to the template questions; and 2) reflects on the value of the conversation, which requires consideration of how the debriefing has advanced understanding of the profession, contributed to professional goals, developed professional competencies, or shaped professional identity.

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\(^{30}\) This would include brief contacts with a lawyer or judge’s staff to schedule an activity. Brief in-person contacts with other lawyers or judges as part of a networking experience are logged in the “networking” category.

\(^{31}\) Conversations with lawyers or judges other than the mentor are not “debriefs.” These conversations with other lawyers or judges can be 1) logged in the “networking” category; or 2) logged along with an experience attended with that lawyer or judge. If the student wishes to complete an experience with a lawyer or judge who is not the student’s mentor that is not on the experience list, he or she must seek advance “Director approval” to ensure credit.
Experience

This category is used to record activities the student is doing or observing that exposes him or her to work that lawyers and judges do.

Experiences fall into three types:

Identified experiences – over 190 distinct experiences are drawn from legal community activities (bar association, continuing education, and other programming), from multiple areas of the curriculum, and from the first year and the upper level curriculum. (An index with internal links to the experiences is available at the “Suggested Experiences” tab)

Wild card experiences - experiences other than one of the identified experiences that a mentor and student do together. This allows the mentor to suggest experiences, and the student and mentor to identify experiences that help further the student’s skill or professional development. The Mentor Externship program reviews these entries to continue to improve the program by expanding the suggested experiences list.

Director approved experiences – experiences that are not on the identified experience list and do not involve the mentor for which a student seeks advance approval from the Director to help further a student’s skill or professional development. In addition, the Director may from time to time approve and announce via blackboard announcement director approved experiences that do not fit into the other categories but meet program objectives. When submitting a director approved experience, the student must identify when and how the Director approved it.

(Experiences other than “wild card” experiences or expressly identified as requiring mentor involvement may be with a student’s assigned mentor or with another identified lawyer or judge 32 present; at least two experiences during the year should be with assigned mentor). The experience entry is written in complete sentences, proofread and: 1) describes the experience in sufficient detail; and 2) reflects on the value of the experience, which requires consideration of how the experience has advanced the student’s understanding of the profession, contributed to his or her professional goals, developed professional competencies, or shaped professional identity.

Identifying Experiences. Students should consult the Experiences list (See “Suggested Experiences List” tab) to assist them in properly logging their Experiences. While

32 “Other lawyers or judges” as used throughout this Manual do not include UST faculty or staff unless authorized by the Director.
Mentor Log 5.0 has drop down menus and word search capabilities, the organization of the Experience List can assist students in locating identified experiences and gearing their experiences to their current coursework or interest areas.

Determining whether an Experience is “Distinct.” Students are required to have a minimum number of “distinct” experiences; this ensures that students are exposed to and experience a variety of different procedures, processes, or substantive subject areas. Repeated experiences from the same category are not distinct unless they arise in a different substantive area or are truly different in type. A difference in the facts or parties does not make the experience distinct.

For example, a deposition of an expert witness is distinct from the deposition of a fact witness, while a deposition of a fact witness in a case is not distinct from deposition of another fact witness in the same type of case. Similarly, a mediation of a dispute over a contract provision is distinct from a mediation in a family law matter, but it is not different from a mediation in another contract dispute, even though the terms of the contract or parties are different.

Students who submit more than one event of the same experience type who wish to attempt to distinguish the events should describe the event in sufficient detail to show how the event is distinct from another event of the same type. Mentor Log 5.0 is unable to distinguish between events that have the same event type so the student’s Mentor Log 5.0 counter may not reflect the second and subsequent events of the same event type as “distinct.” The Mentor Externship Director and Coordinator are happy to answer questions about whether certain events are distinct or not.

When a Mentor or other Lawyer or Judge is “Present.” Present, for purposes of a debriefing, means the mentor and student meet in person unless advance permission is given by the Director, typically to accommodate the needs of a mentor. Experiences also require physical presence, unless the nature of the activity itself dictates otherwise, such as when a mentor allows a student to be brought in on a telephone conference between the mentor and others. For purposes of a point of contact, the mentor or mentor’s staff is considered present so long as the communication is with or directed to them (points of contact are more likely to be email or phone than in person).

Networking - this category is used to record conversations with lawyers or judges other than the student’s assigned mentor. (Networking must be with identified lawyers or judges; students may log up to five hours (2L/3L) or three hours (1L) per year; time counts toward minimum hour requirements). The networking experience entry is written in complete sentences, proofread and: 1) identifies the networking event or experience; and 2) indicates how the networking event or interaction with lawyers and judges has connected the student to new information or new opportunities to expand legal contacts,
broadened understanding of the profession, provided an opportunity to show skills and commitment to the profession, or provided an opportunity to evaluate a practice area or work environment.
MENTOR EXTERNSHIP COURSEWORK
FOR SECOND AND THIRD YEAR STUDENTS

Second Year Course: Mentor Externship I (Laws 930)
Class Topics and Activities (2015-16)

The second year of Mentor Externship builds on the first year’s primary focus on the mentor relationship and introduction to the profession. Students are encouraged to develop a self-directed course of professional development, build a constellation of mentors and professional contacts, engage in self-assessment, and identify skills and competencies essential for success in the profession. The small group discussions and assignment focus on the following topics.

Setting Your Own Course as a Professional focuses on how a student can set the course of his or her own professional journey through Mentor Externship with an emphasis on developing his or her personal mission, fieldwork goals, relationships, and competencies necessary for professional success in any employment context, with peer support and faculty mentor guidance along the way.

The student sets his or her own course by writing an introductory letter to his or her mentor, attaching a current resume, describing how and what he or she learned in the course of 1L mentor externship, and what he or she hopes to learn in the coming year. The faculty mentor provides feedback on both and meets with the student to discuss how the student may meet his or her objectives through Mentor Externship fieldwork.

Building Your Professional Network explores the development and management of mentor and other professional relationships and how a student can expand his or her relationships now and throughout their professional life to learn, grow, and serve others well.

The student sets goals, identifies his or her existing professional contacts who may be able to help the student build a network and that takes into account strengths the student brings to networking and any barriers to establishing new relationships.

The student builds a networking plan for the coming year to meet his or her professional goals, utilizing his or her strengths to meet pursue objectives in an intentional way, track progress, and ensure a “return” to mentors and contacts along the way. The faculty mentor provides feedback, ideas, and other guidance to the student in developing, executing, and assessing progress of the plan.
Developing Relationship Skills: Cultural Competency and Awareness of Implicit Bias and Privilege explores how developing cultural competency and recognizing implicit bias and privilege fosters the development of relational skills that are essential to lawyers as members of a profession committed to service of others and the system of justice.

Identifying Expectations of the Profession explores the diverse and varied competencies—measurable characteristics of a person—that provide the platform for success in any employment situation. These competencies include not only technical skills, but also behavioral skills, attributes (such as intelligence), and attitudes (such as empathy).

The student turns to a member of the profession for insight and guidance on how to identify and develop core professional competencies. The student then writes an essay that explores the identified competencies and reflects on where he or she stands against the identified competencies. The student evaluates how he or she will use Mentor Externship experiences and debriefings to create the opportunity to fine-tune and further evaluate the core competencies necessary to transition to professional employment and to be a success in his or her first five years. The faculty mentor will review the essay and provide feedback.

At midyear, the faculty mentor reviews all of the student’s submissions, including Mentor Log 5.0 entries and the PPDP, and meets with the student to discuss how the student is progressing on his or her networking plan and professional journey.

Furthering Your Professional Development focuses on how a student can market himself or herself to create opportunities to develop and improve skills and gain experience during the remainder of the year, over the summer, and as a career-long commitment.

The student writes a final reflection, looking back on his or her activities during the year (mentor development, networking, fieldwork, skill development, observations, and conversations), and the student identifies the next steps in his or her self-directed professional journey.

The faculty mentor and student meet to assess the student’s progress and discuss how the student can position himself or herself to maintain productive professional activities over the summer and provide feedback to the student for optimal growth.
The third year of Mentor Externship expands the focus toward service. Students examine how relationship and other essential competencies are brought to bear to serve clients and others, the community, and the legal profession, and how he or she will live out his or her professional identity.

**Setting Your Own Course as a Professional** focuses on how a student can optimize his or her opportunities on this last leg of the professional journey as a law student, successfully transition to the profession, and set the course for success in the profession, with an emphasis on life-long learning, relationship building, and carrying out his or her mission.

The student sets his or her own course by writing an introductory letter to his or her mentor, attaching a current resume, describing how and what he or she learned in the course of 2L Mentor Externship, and what he or she hopes to learn in the coming year. The faculty mentor provides feedback on both and meets with the student to discuss how the student may meet his or her objectives through Mentor Externship fieldwork and other activities.

**Marketing Your Professional Identity** explores how lawyers tap into professional networks to improve the profession, educate and support each other, and be servant leaders in the community, and how lawyers market themselves to create mutually beneficial business relationships while serving others.

The student assesses his or her professional development progress by revisiting his or her 2L networking plan and activities during the summer, and considers how he or she can continue to build a network that will help him or her move into professional employment and continue his or her career-long professional development.

The student updates his or her networking plan to reflect his or her progress to date, current goals, benchmarks, and steps he or she will take in the coming six months to carry out his or her professional objectives. The faculty mentor provides feedback, ideas, and other guidance to the student in assessing progress, developing, and executing the plan.

**Communicating with Clients and Others** explores the challenges of effectively listening to and gathering information from clients and others, giving advice and communicating effectively with them.
At mid-year, the faculty mentor will review all of the student’s submissions, including Mentor Log 5.0 entries and PPDP, and will meet with the student to discuss how the student is progressing on his or her networking plan and professional journey.

**Serving Clients and Others** addresses how the student can deliver excellent service to clients and others, including managing expectations, responsiveness, methods of communication, billing as a communication tool, and difficult conversations, as well as the broader relational competencies he or she needs to succeed in the profession.

The student stands in the shoes of a lawyer and writes a letter to a client or other constituent following an initial meeting, summarizing and managing the client’s expectations, and defining the lawyer’s role. The faculty mentor will review the letter and provide feedback.

**Living Your Professional Identity** brings the three years of mentor externship full circle by returning to the core values and principles that define one’s professional identity. The group will discuss questions such as:

- What does it mean to be a lawyer?
- What obligations aside from following the governing rules of professional conduct does membership in the profession entail?
- Where do values intersect with the work of a lawyer?
- How will the student’s values affect the career choices he or she will make, allow the student to carry out his or her vocation, and ensure a meaningful life?

The student writes a final reflection, looking back on his or her activities during the year (mentor development, networking, fieldwork, skill development, observations, and conversations) and identifying the next steps in his or her self-directed professional journey.

The faculty mentor reviews the student’s work over the year, and the faculty mentor and student meet to discuss the student’s development and management of his or her mentor and other professional relationships. The faculty mentor will provide feedback, guidance, and support to the student in his or her transition from legal education to professional employment.
LLM in U.S Law: Mentor Externship (Laws 932)
Class Description (2015-16)

The U.S. Law LLM Mentor Externship/Foundations course integrates each student’s fieldwork experiences with a local practicing lawyer or judge assigned as that student’s mentor, and provides guidance to each LLM student in his or her self-directed professional journey throughout the LLM year of study. The course meets once a week throughout the year. The course is co-taught by Dean Vischer and Dean Brabbit. Key components of the course include 1) feedback and guidance from Dean Vischer, Dean Brabbit and other faculty throughout the year; 2) small group class sessions focused on essential competencies; 3) written assignments focused on developing relationships with mentors and clients; and 4) an ongoing dialogue about what students are seeing and doing with their mentors, with particular focus on intercultural challenges. The class will include opportunities to travel as a class to legal proceedings and other events.

In addition, each student spends time in the field with his or her mentor, engaged in observation, hands on experiences, and activities in the profession and meets with the mentor throughout the year to gain an understanding of the work, legal and ethical standards, customs and practices in the U.S. legal profession. Throughout the year, students will complete 18 hours of fieldwork in addition to course exercises and activities. LLM fieldwork includes a PPDP meeting, two or more debriefings with the mentor, four distinct experiences, and a year-end meeting.
2015-16 FACULTY MENTORS

Sarah Brenes (3L)
The Advocates for Human Rights
Biography

Santo Cruz (2L)
Minnesota Department of Agriculture
Biography

Jack Hennen (2L)
League of Minnesota Cities
Biography

Anna Lima (3L)
Lima Law Office, PLLC
Biography

Toni Newborn
Minneapolis Department of Civil Rights
Biography

Jerry Organ (2L/3L)
UST School of Law
Biography

Roshan Rajkumar (3L)
Bowman & Brooke, LLP
Biography

Andy Rorvig (3L)
Fargione Love Landy & McEllistrem
Biography

L. Elizabeth Tolzmann (3L)
Davis & Goldfarb, PLLC
Biography

Steven Tyacke (3L)
Briggs and Morgan
Biography

Chris Wheaton (2L)
Code 42
Biography

Adam Brown (3L)
UST School of Law
Biography

Neil Hamilton (2L)
UST School of Law
Biography

Barbara Jones (2L)
Minnesota Lawyer
Biography

Heather McElroy (2L)
Robin, Kaplan, LLP
Biography

Dan O’Brien (3L)
Fourth District Public Defender (retired)
Biography

R. Lawrence Purdy (3L)
Maslon Edelman Borman & Brand
Biography

Becky Ribich (2L)
Brekke, Clyborne & Ribich, LLC
Biography

Elizabeth Schiltz (3L)
UST School of Law
Biography

Steve Tourek (2L)
Marvin Windows and Doors
Biography

Dan J. Van Loh (3L)
Deckert and Van Loh
Biography
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Writing Your PPDP Mission Statement

The Mentor Externship Program asks you to incorporate your core values into your growing professional identity. The program also asks you to evaluate and examine the profession’s ethical and social values. “[F]or students to incorporate the profession’s ethical-social values into their own, they need to encounter appealing representations of professional ideals, connect in a powerful way with engaging models of ethical commitment within the profession, and reflect on their emerging professional identity in relation to those ideals and models.”33

While the mentor-mentee relationship and fieldwork provide the framework for this professional growth, it is ultimately a personal, self-directed journey that begins with your reflection on your first principles, core values, and goals in the form of a mission statement.

The mission statement serves as a fulcrum on which to balance what you are seeing and doing in the program. As you learn more about yourself, the profession, and your role in it, you can refine or modify your personal mission.

Consider the following questions as you draft your personal mission statement:

1. Where does opportunity meet with need in the development of your professional life? (The purpose of your career and decision to come to law school)

2. What are you doing to address these needs? (Your current nature, habits, involvements, and activities that make you who you are)

3. What are the principles or beliefs that will guide you on a day-to-day basis? (Your values or principles)

4. What is your responsibility for the development of your moral character?

5. How will you manage your professional ethical responsibilities?

Your personal mission statement should:\(^\text{34}\):

- Express your professional identity and purpose in a way that personally inspires or motivates you to continue working toward your goals
- Articulate your mission in a way that makes sense to you
- Describe what you are currently doing using active verbs
- Be short and concise

Examples:

> I am an optimist and enjoy everything life offers me. I have the ability to choose to be happy. I am and will be known for my positive words and actions toward others. Every aspect of my life prior to law school will remain a factor of who I am and who I will become. I will remain active in my family, friends, church, faith, running, dancing and passion for doing good for others in the community. Those I interact with will see me as a fair, honest, responsible, hardworking, caring, compassionate individual. With no regrets, my morals and values will guide me in carrying out my thoughts and actions every day.

**Purpose:** I am and will be known for my positive words and actions toward others.  
**Current Involvement/Activities:** I will remain active in my family, friends, church, faith, running, dancing and passion for doing good for others in the community.  
**Beliefs:** With no regrets, my morals and values will guide me in carrying out my thoughts and actions every day.

> To remain passionate about the pursuit of wisdom is the bedrock of my ethical foundation, and employing the knowledge and skill sets acquired throughout this journey to the service of society constitutes my ends. It is my primary objective to continue leading a life of mind while pursuing a career in the field of law. Once a career is obtained, I desire to maintain the identity of a learned man in my field so as to compromise neither my dedication to life-long scholasticism nor the altruism inherent within it.

**Purpose:** I hope to combine study of the law with a commitment to personal and social ethics in order to obtain legal skills while contributing to society.  
**Current Involvement/Activities:** I desire to maintain the identity of a learned man in my field so as to compromise neither my dedication to life-long scholasticism nor the altruism inherent within it.

\(^\text{34}\) The organization that follows was inspired by Janel M Radtke’s work on writing business mission statements.  
Beliefs: To remain passionate about the pursuit of wisdom is the bedrock of my ethical foundation.

As a lawyer I am committed to the preservation and further understanding of the human dignity of every person and the whole person through the legal profession with special care to protect each person's conscience, the means by which God first speaks to the individual; I am committed to pursuing justice and maintain harmony in society; I am committed to aiding the most vulnerable in society especially those who cannot advocate on their own behalf.

Purpose/Current Involvement: I am committed to pursuing justice and maintaining harmony in society; to aiding the most vulnerable in society especially those who cannot advocate on their own behalf; and preserving and further understanding the human dignity of every person and the whole person.

Beliefs: The human dignity of every person and the whole person and protection of each person's conscience, the means by which God first speaks to the individual.

To be a respectful and responsible professional in all interactions with my mentor. To be on time, prepared, and receptive to learning all that I can from my mentor. By reviewing cases, preparing my own arguments, and discussing the standards applied by my mentor in deciding cases, I can learn how the law interacts with and respects the dignity of each individual.

Purpose: To be a respectful and responsible professional in all interactions with my mentor.

Current Involvement: To be on time, prepared, and receptive to learning all that I can from my mentor.

Beliefs: By reviewing cases, preparing my own arguments, and discussing the standards applied by my mentor in deciding cases, I can learn how the law interacts with and respects the dignity of each individual.

Personal and Professional Development Plan (PPDP) Sample

Personal Ethics Mission
Student identifies his or her first principles, values, and goals.

As a member of the UST Law Community, I pledge to conduct myself in a manner that will reflect honor upon the legal profession. I will draw on my faith values to uphold the integrity of the profession and to treat others with respect and dignity.
Topics to Debrief/Discuss
Student and mentor identify a minimum of two (2) topics to discuss together during the year. Student and mentor can discuss an experience, a template (see Templates tab for suggestions), or other agreed-upon professional topic.

1. Mediation Template
2. Life Balance Issues
3. Professional Assessment Tool

Experiences to Complete
Student and mentor identify a minimum of two (2) experiences to complete together (see Experiences tab for suggestions). These may be experiences to observe or “hands on” experiences that assist students in learning about law or the profession, develop skills or competencies, or otherwise allow them to progress on their professional journey.

1. Attend a mediation
2. Attend a summary judgment motion
3. Draft a simulated Summons and Complaint

Student Certifications

I understand that I am responsible for the content and accuracy of all submissions in connection with Mentor Externship and that any submission I make that is false or misleading, and any dishonesty or violations of the rules governing my responsibilities in the program may constitute “academic misconduct” in accord with the Code of Student Responsibility.

I certify that I have read Student Observation Rule 3 and Rule 1.6 of the Minnesota Rules of Professional Conduct and certify that I will maintain confidentiality as required by the Rule, and I will ensure that any clients are informed I am a student and approve my involvement.

I certify that I have met in person with my mentor (or that I have been given express, advance permission by the Director to communicate with my mentor in a different manner), and that I have reviewed and discussed this PPDP with my mentor.

Note: Do not make any certification that is not true. (See Standards of Conduct under “Student Professional Responsibilities” tab)
# Suggested Experiences

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USING THE SUGGESTED EXPERIENCE LIST

The experiences listed below are approved Mentor Externship Program experiences. They have been selected and organized to complement the law curriculum and serve as examples of the various activities mentors and students can participate in together.

Mentors are encouraged to expose students to unique and distinct lawyering tasks and judicial activities of their professional work that are not outlined in this list. These mentor-suggested activities are called “Wild Cards.”

In addition, students may seek approval of experiences outside of these suggested experiences consistent with their own professional development path, called “Director Approved” experiences. (See “Fieldwork Terms and Descriptions” under the “Fieldwork Guide” tab for more detail on these experiences and how they are logged in Mentor Log 5.0). For experiences that are not eligible for credit, please see “Disallowed Activities” under the “Student Professional Responsibilities” tab.

First-year students are encouraged to focus on activities that augment the required curriculum (e.g., civil procedure, contracts, criminal law, lawyering skills, property, and torts) and to observe and discuss activities that introduce them to the practice of law, the administration of justice, and the life of a lawyer or judge.

Wild Card and Director Approved Experiences

1. **Wild Card** – any experience the *mentor and student* do together that is not identified on the experiences list.

2. **Director Approved** – an experience *the student* would like to observe or engage in *without his or her mentor*, that is not one of the identified experiences. Students must seek advance Director approval of these experiences.

Identified Experiences in the Minnesota Legal Community

1. Attend the **Mentor Appreciation Reception** (1-hour maximum credit).

2. Attend a **judicial, legislative or executive initiative** (i.e. Children’s Justice Initiative, Health and Human Services Task Force, Governor’s Council on Adults with Developmental Disabilities). For routine legislative/lobbying activities, see 12, 13 and 14.

3. Attend a **bar association** meeting; see 161 for a professionalism committee meeting related to professional responsibility.
4. Attend a **continuing legal education (CLE) program (2-hour maximum credit per year)**.

5. Attend a non-CLE **training session** for professional development purposes with your mentor sponsored by an external organization (e.g., leadership training, board training).

6. Attend an **Inn of Court** meeting with your mentor.

**Identified Experience That Correspond To Multiple Areas of the Law Curriculum**

The list of “**Identified Experiences**” below is intended to suggest activities that students can observe or do with their mentors, but it is not exhaustive. The identified experiences are organized around

- Experiences that occur in the broader legal community
- Common experiences that correspond to multiple areas of the law school curriculum rather than particular study or practice area
- Experiences that relate to courses in the first year curriculum
- Experiences that relate to upper level coursework

*NOTE*: Experiences marked with an asterisk (*) have a corresponding template, click on the bold link to reach the template.

7. Attend a **deposition**.*
   a. Torts matter
   b. Contracts matter
   c. Property matter
   d. Constitutional matter
   e. Business/Corporate matter
   f. Other __________
8. Attend a *mediation*
   a. Torts matter
   b. Contracts matter
   c. Property matter
   d. Constitutional matter
   e. Business/Corporate matter
   f. Other __________

9. Attend an *arbitration*
   a. Torts matter
   b. Contracts matter
   c. Property matter
   d. Constitutional matter
   e. Business/Corporate matter
   f. Other __________

10. Attend a *legislative* committee hearing or floor debate.
    a. Torts matter
    b. Contracts matter
    c. Property matter
    d. Constitutional matter
    e. Business/Corporate matter
    f. Other __________

11. Attend or participate in a legislative activity (e.g., draft or research legislations, constituent meetings).

12. Attend or participate in a lobbying activity.
    a. Business/Corporate matter
    b. Health and Human Services
    c. Property matter
    d. Budget matter
    e. Constitutional matter
    f. Other __________

13. Attend a negotiation,* (i.e., a discussion with the opposing party or counsel regarding resolution of issues that work towards resolution). See also Mediation, No. 10.

14. Attend a lay witness meeting, interview or fact gathering visit.

15. Attend an expert witness meeting (e.g., interview, fact gathering, trial preparation with a consulting or testifying expert).
16. Attend any meeting between opposing counsel, the opposing party or the opposing party’s representative.

Client Relations

17. Attend a potential client or existing client meeting* (e.g., interview, fact gathering, or file review).

18. Draft or review a client letter.

19. Attend a client closing meeting or exit interview.*

20. Draft or review a client bill.*

Trial Advocacy

21. Observe a voir dire.*

22. Observe an opening statement.*

23. Observe a direct examination* of a witness at trial.

24. Observe a cross-examination* of a witness at trial.

25. Observe a closing argument.*


27. Observe a jury focus group conducted to prepare case strategies and themes for trial.

28. Observe any meeting between the trial judge and trial counsel during the course of a trial.

29. Draft or review a set of jury instructions.*

30. Draft or review a special verdict form.

31. Draft or review a trial memorandum.

32. Draft or review questions for voir dire.

33. Draft or review witness or exhibit lists.

Pro Bono

34. Participate in or observe a Pro Bono matter.
Pro Se

35. Observe a matter where one of the parties is a Pro Se litigant.

Experiences Related To First-Year Required Courses

Civil Procedure

36. Draft or review a Summons, Complaint, and Answer.

37. Draft or review discovery.

38. Attend a scheduling/discovery conference.

39. Attend a pretrial conference.

40. Attend a civil motion*
   a. Dispositive (e.g., Summary Judgment, Rule 12)
   b. Discovery (e.g., Motion to Produce Documents)
   c. In Limine (e.g., Motion to Limit Evidence)
   d. Other

41. Assist in the electronic filing of a federal claim.

42. Assist in the service of a subpoena.

43. Attend a conciliation/small claims court matter.

44. Attend a court supervised settlement conference.*

45. Attend a hearing on a temporary restraining order.

46. Attend a federal court status conference.

47. Draft or review an affidavit.

48. Attend a minor settlement hearing.

49. Attend a motion to vacate a default judgment.

Constitutional Law

See experiences that apply to the curriculum generally.
Contracts

50. Draft or review litigation documents about a disputed contract provision.*

51. Draft or review a contract being negotiated.*

52. Draft or review a contract provision.

Criminal Law

53. Draft or review a criminal complaint.

54. Observe a grand jury.

55. Attend a first appearance / arraignment / bail hearing, in-custody or out-of-custody.

56. Attend a criminal pre-trial / omnibus hearing / probable cause hearing, contested or uncontested.*

57. Attend a plea hearing / allocution.

58. Draft or review a motion on a criminal matter.

59. Attend an oral argument on a criminal motion.

60. Attend a victim impact hearing.

61. Attend a sentencing hearing in either federal or state court.*

62. Attend a parole revocation hearing.

63. Attend a “drug court” proceeding.

64. Attend traffic court.

65. Observe or participate in some aspect of an execution of a search warrant.

66. Ride along with a police officer.

67. Attend a hearing on a motion to expunge/seal.

68. Tour or inspect a prison.

Lawyering Skills I and II

See also 19 to 22 regarding client relations.
69. Conduct **legal research** for the mentor.

70. Research and draft a **memo** (internal document).

71. Research and draft a **civil motion**.

72. Research and draft a **criminal motion**.

73. Draft or review a **proposed order**.

**Property**

74. Attend a **housing court** proceeding. Suggestions include:
   a. Eviction action
   b. Petition to escrow rent when repairs by landlord are not made or completed.
   c. Tenant remedies actions
   d. Lockout petitions
   For more information, visit [www.courts.state.mn.us/districts/fourth](http://www.courts.state.mn.us/districts/fourth).

75. Attend a **land-use planning or zoning commission meeting**. For scheduling, contact a city council member.

76. Observe or participate in a **title search or closing**.

77. Observe an aspect of a state or federal **condemnation case** or reverse condemnation case and evaluate whether there is a taking.

78. Draft or review a **residential or commercial lease**.

79. Observe an aspect of, or review documentation pertaining to, **real property dispute**, such as an unlawful detainer action or partition action.

**Torts**

80. Attend a **case evaluation panel** on a torts case organized through the Minnesota Trial Lawyers Association or Minnesota Defense Lawyers Association.

81. Visit the scene of a disputed torts incident (**site inspection**) with the mentor.

82. Review the **medical records** of an injured party and/or prepare a medical summary;
83. Review a *demand letter* to a defendant/insurance carrier, and (1) identify the necessary elements of the claim, including the elements of damages, and (2) outline how the mentor will prove each element.

**Experiences Related To Upper Level Coursework**

**Administrative Law**

84. Observe a *contested case* before an administrative law judge.

85. Observe a *formal adjudication* before a state or federal administrative law judge.

86. Observe a *rulemaking hearing* before a state or federal administrative law judge.

**ADR**

See also Mediation number 10 and Arbitration number 11.

87. Observe a *summary jury trial*.

88. Compile *evidentiary documents for an arbitration*, and assist in preparing materials for an arbitration.

89. Draft a confidential *memo or letter to a mediator* in preparation for a mediation.

**Advanced Legal Research**

90. *Record retrieval and review* of administrative law materials, government documents, or other court documents

**Bankruptcy**

91. Attend a *motion for relief from an automatic stay*. 
92. Attend a **first meeting of creditors**.
   For scheduling, contact the United States Trustees offices in either St. Paul or Minneapolis.

**Business Associations**

93. Draft or review **transactional documents** related to the work of a transactional lawyer (buy-sell agreements, securities offerings, sponsorship agreement, proxy solicitation, joint venture agreement, etc.).

94. Attend a **corporate strategy** meeting.

95. Draw or review **business formation documents** (partnership agreement or certificate of incorporation) for a new business entity.

96. Draft or review a **federal securities filing** for a public corporation (prospectus, Form 10-Q, Form 10-K, Form 8-K, etc.).

97. Draft or review a **proxy solicitation** for a shareholders’ meeting. Attend a **corporate board meeting**.

98. Compare an initial **acquisition agreement** with the final acquisition agreement in a past or current transaction.

99. Attend a **shareholder dispute hearing**.

**Civil Rights**

100. Attend a **civil rights hearing**.

101. Investigate a **civil rights complaint**.

**Client Interviewing and Counseling**

   See Client Relations 19-22.

**Credit and Payment Devices**

102. Observe a client interview by a public service attorney or a pro bono attorney representing a borrower in a case *involving a delinquent loan.*

103. Interview an **in-house corporate lawyer** about the types of payment systems the corporation uses in transacting its business.

**Employment Law**
104. Attend an unemployment compensation hearing.

105. Draft an EEOC/MDHR charge of discrimination.*

106. Attend a Union grievance arbitration.

107. Attend a veteran’s preference hearing.

108. Attend a Lowdermill hearing.

109. Attend a collective bargaining session.

110. Attend a National Labor Relations Board function.

**Estates & Trusts**

111. Draft or review a basic will.

112. Draft or review a revocable living trust, durable power of attorney or healthcare directive.

113. Draft or review documents transferring property to trust.

114. Draft or review documents transferring property from probate.

115. Attend a hearing to appoint a personal representative.

**Ethical Leadership in Corporate Practice**

116. Attend a board of directors meeting* for a for-profit or non-profit corporation or other business association.

**Evidence**

For motions in limine, see 42(c).

117. Observe arguments regarding evidentiary objections raised at trial.

118. Read and review a complete deposition transcript of an expert witness.

**Family Law**

119. Observe any proceeding in Family Court. Suggestions include:
   a. Domestic abuse hearings
   b. Harassment hearings
c. Post-decree motions (i.e., child support modification hearing, maintenance modification hearing, custody modification hearing and parenting time modification hearing).

120. Review or draft a marital termination agreement.

121. Attend a hearing for an order for protection.

122. Observe or participate in the collaborative law process.

**Federal Income Taxation**

123. Draft or review a protest of an IRS determination.

124. Review a Judgment and consider each of the federal and state tax consequences of the damage award from both the payor and the payee’s point of view.

125. Interview a non-profit fundraising person and find out how much of the solicitation involves a discussion of tax consequences.

**Immigration**

126. Attend an Immigration Court Master Calendar Hearing (“MASH”).

127. Attend an Immigration Court Individual Hearing.

128. Attend a pre-hearing client interview for detainee docket.

129. Attend a naturalization ceremony.

130. Attend a video hearing, either MASH or individual, for incarcerated aliens facing deportation.

131. Review/draft an immigration petition.

**Intellectual Property**

132. Review a patent file history and issued patent; make a comparison to the current marketplace.

133. Review a trademark application and the applicable history.

134. Attend a meeting with the inventors and the lawyers involved in writing a patent application.

135. Assist in drafting a patent application.
136. **Inspect a product** pending a patent.

**Jurisprudence and the Work of a Judge**

137. Draft, research or review a *judicial opinion.*

138. Attend a **meeting between a judge and a judicial clerk** regarding the drafting of a legal opinion.

139. Attend a meeting involving **court administration.**

140. Review the various **administrative roles involving a judge** (hiring personnel, budgetary matters, committee assignments).

141. Review the **file management system** of the judge or court administration, review the policies related to document retention, organizational structure, confidentiality issues and public accessibility.

**Juvenile Law**

142. Observe any proceeding in **Juvenile Court.**

143. Observe a **termination of parental rights** trial.

144. Meet with and debrief a **guardian ad litem.**

**Land Use Planning**

145. Create a town home/condo **homeowner’s association.**

146. Draft/review **declaration/bylaws for association.**

147. Draft an **association lien notice.**

148. Foreclose an **association lien/mortgage** by advertisement.

**Law Firm Practice**

149. Attend a law firm **in-house training session** on lawyering skills or professionalism.

150. Attend a law firm **marketing or networking** event.

151. Attend a law firm **practice group meeting.**

**Lawyering Skills III**
152. Research and draft an **appellate brief**.

153. Observe an **appellate argument**.* For more information on times and scheduling visit:
   a. Workers’ Compensation Court of Appeals at (651) 296-6526.
   b. Tax Court Property Tax Appeals or Commissioner of Revenue at [www.taxcourt.state.mn.us](http://www.taxcourt.state.mn.us).
   c. Minnesota Court of Appeals at [www.courts.state.mn.us](http://www.courts.state.mn.us).
   d. Supreme Court of Minnesota at [www.courts.state.mn.us](http://www.courts.state.mn.us).

**Native American Law**

154. Observe an aspect of a trial or hearing in **Tribal Court**.

155. Attend a **gaming commission meeting**.

156. Assist a person in applying for **tribal membership**.

**Professional Responsibility**

157. Attend a **public disciplinary hearing** for a lawyer.
   a. For scheduling, contact the Lawyer’s Professional Responsibility Board at 651-296-3952.
   b. The Minnesota Supreme Court also hears public disciplinary matters.

158. Attend a County Bar Association **Professionalism Committee meeting**.*

**Real Estate Development**

159. Conduct a **tract search** at the County Recorder’s office.

160. Review an **abstract of title**.

161. Write a **title opinion**.

162. Issue a **title insurance commitment/policy**.

163. Draft or review a **residential purchase agreement**.

164. Draft or review a **commercial purchase agreement**.

165. Draft or review **seller’s/buyer’s closing documents**.
166. Cancel a contract for deed/purchase agreement.

167. Create a limited liability company to hold real estate.

**Small Firm Practice**

168. Review the various administrative roles of a solo or small firm practitioner. Discuss aspects of an IOLTA trust account, maintaining records and books, filing taxes, or the business formation of the firm.

169. Review the file management system of a solo or small firm. Discuss policies related to client documents, retention, and the organizational structure of the files.

**State and Local Government**

See also 12–14 for legislative activity and lobbying activity.

170. Attend a County Board of Commissioners meeting.

171. Attend a city council meeting.

172. Attend a Metropolitan Council meeting.

173. Attend a public hearing for state or local government.

**UCC/Sales**

174. Review a contract for the sale of goods.

175. Observe an aspect of litigation involving breach of warranty.*

176. Review and analyze the contractual issues raised by a sales transaction conducted electronically,* either being negotiated or in dispute.

177. Review a warranty disclaimer.

**Workers’ Compensation**

178. Attend a .239 Conference.

179. Attend a medical or rehabilitation conference.

180. Draft or review a Notice of Intent to Discontinue or Petition to Discontinue.

181. Attend a workers compensation settlement conference.*
182. Attend a **workers compensation hearing**.

183. Attend **stipulation status conference**.
DEBRIEFING TEMPLATES: A CONVERSATION GUIDE

Templates are provided to facilitate debriefings and conversations for students and mentors. They are arranged in alphabetical order.

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Appellate Argument Template

1. What assumptions do attorneys seem to be making about the judges’ knowledge of the facts and the law? Do these assumptions seem to change as the argument progresses and the judges ask questions? What balance do the attorneys strike between an advocate’s duties to both educate and persuade the judges?

2. If the judges asked questions, what do these questions reveal about the judges’ opinions about the law or facts? What do these questions reveal about the judges’ jurisprudential schools of thought? How well do the attorneys use these questions to help their cases? Compare the depth or detail of the answers to the judges’ questions to that of the attorneys’ arguments generally.

3. What role do speaking ability and forensic performance skills seem to play in whether the attorneys’ arguments are persuasive? In the argument observed, does the attorney with the more persuasive or polished argument style make up for weak substance, or not? Do the judges react differently to the weaker advocate?

4. How do the attorneys treat each other’s arguments? How do they refer to each other in argument? What tone or attitudes do they project towards the other side? How do the students and the judges react to that tone or attitude?

5. Did oral advocacy add anything to the judges’ understanding of the case? Could the substance have been just as effectively presented in the written appellate briefs?

6. After observing the argument, what impressions are you left with regarding the attorneys’ credibility and competence? Upon what factors is that impression based? Was there anything in the arguments that seemed to go beyond the reasonable bounds of advocacy?

The Honorable Patrick J. Schiltz
Appellate Argument / Contract Issue Template

1. Was the contract oral or written?

2. Was the entire business relationship between the parties captured in one contract? Did aspects of their relationship extraneous to the specific contract at issue seem relevant to the arguments presented?

3. Did the contract involve parties with equal bargaining power?

4. Does it appear that the parties involved actually bargained over the issue that was being litigated? Was the contested issue directly addressed in the language of the contract?

5. Was there any evidence of the parties’ actual intent with respect to the disputed issue introduced in argument? What sort of evidence was it, i.e., deposition testimony about conversations, or actions taken in reliance on the contract?

6. What type of contract principle was at issue in this case: consideration, formation, interpretation?

7. What types of legal authorities were presented to support the arguments of the litigants: statutes, case law, sections of the Restatement (Second) of Contracts, or treatises?

Professor Elizabeth Schiltz
Arbitration Template

1. Did the litigants agree to have their dispute resolved through arbitration or was the arbitration court-ordered? Was the arbitration binding or non-binding? If the arbitration was binding, what constitutional rights do the parties waive in a binding arbitration? How is the legal impact of binding arbitration communicated to the client?

2. How was the arbitrator selected? Who paid the arbitrator’s fee and how much was it?

3. Did the arbitrator appear neutral? What was the arbitrator’s role? What responsibility, if any, does an arbitrator have in making sure the evidence is properly submitted? For example, if the arbitrator “assists” the attorney in asking the appropriate foundational questions to elicit expert witness testimony, will the arbitrator be perceived as an advocate? If the arbitrator does not assist in asking the proper questions, will the parties receive a fair hearing?

4. How does arbitration differ from a jury trial procedurally? How are the two proceedings similar? Do the attorneys take testimony during arbitration the same way they would during a jury trial?

5. What are the advantages and benefits of arbitration? What are the disadvantages?

6. What documentation did the attorneys submit to the arbitrator to support the claim?

7. How long did the arbitrator have to decide the claim? What was the result? Did the result seem fair?

8. What if one of the litigants does not like the outcome of a binding arbitration? Can a litigant appeal an award of arbitrator?

Senior Assistant Dean Lisa Montpetit Brabbit
Balance Template

1. What specific activities do you plan in order to achieve balance in such a demanding profession? Do you plan for personal time? Do you need to?

2. What limits do you set on your work in order to prevent over-working and/or burnout?

3. Do you regularly prioritize the different demands on your time? How do you determine order of priority, and what factors play a role in that determination—urgency, immediacy, overall importance?

4. What roles define you as a person: e.g., parent, volunteer, sibling, spouse, professional, golfer, etc? What roles are the most important to you? Do your “most important” roles receive the greatest amount of time and attention? If not why not?

5. What do you do to keep a healthy perspective in the face of a highly difficult/demanding work load, pressure to bill a certain number of hours, client needs, etc.?

6. Does your employment setting promote a healthy balance and lifestyle? How?

Senior Assistant Dean Lisa Montpetit Brabbit
and Jon Bargen (’06)
Billing Template

1. What are the most important skills a lawyer can develop in order to bill his or her time accurately, honestly and fairly?

2. What are the conflicts that arise around the issue of effective representation vs. financial limitations of the client?

3. What ethical issues most commonly cause tension in the billing process?

4. What hourly fee do new lawyers charge at your firm? Senior lawyers? How are billing rates determined? What factors are considered? Do you personally have any input on your rates?

5. Does your firm offer any alternatives to traditional hourly billing like: flat rates, hourly sliding scale, menu billing?

6. Does the rate a client can pay affect how you prioritize your work? Does it affect the types of cases you agree to handle?

7. Are there explicit or implicit expectations to bill a certain number of hours in your work environment?

8. Does the pressure of billable hours affect your thought process or work in general?

9. How are your hours recorded: paper, dictation or electronically? Who reviews the bills before they are sent to the client?

10. How often do clients dispute a bill? How you respond to such client inquiries?

11. How detailed do the billing statements need to be?

12. What percentage of your billings goes uncollected? Does your rate of collection affect your own pay?

13. What conversations do you have with clients about billing at the beginning of your representation? How do you broach the topic?

David M. Bateson
Civil Motion Template

1. Who brought the motion and for what purpose?

2. Was the motion dispositive or non-dispositive?

3. Did the parties file other documents with the motion (e.g., affidavit, proposed order, notice of motion)? Are these other documents a necessary part of this procedural request?

4. Who argued first at the hearing? How was the issue presented?

5. How did opposing counsel refute the motion? Was he or she persuasive?

6. Did the judge rule from the bench? If not, how long does the judge have to take the matter under advisement and make a ruling?

7. How did the timing of the motion impact the procedural posture of the claim?

8. What procedural rules applied to this motion?

9. What was the outcome? Do you agree with the ruling? How does the ruling impact the pending claim(s)?

Senior Assistant Dean Lisa Montpetit Brabbit
Client Interviewing Template

1. How did the attorney prepare for the client interview? How much time did it take? What additional preparation would have been helpful?

2. What is the client’s purpose in obtaining legal advice? How did the attorney define or clarify this purpose during the interview? Do you think the attorney assisted the client to think through all the dimensions of the client’s problem?

3. Discuss the beginning of the interview. How was the opening appropriate or not appropriate for the circumstances? Did the attorney attempt to make the client more comfortable or less anxious? Were his or her attempts successful?

4. When did the attorney educate the client on attorney-client confidentiality? What other general issues did the attorney need to explain to the client? How and when were these issues explained?

5. Evaluate the attorney-client relationship established through the interview. Discuss the emotional, educational and contractual elements of the relationship. How was each element present in the interview?

6. How did the attorney gather the facts of and information about the case? What questioning strategies did he or she utilize? Were they successful? Did the attorney define the “scope” of the representation?

7. How were the client’s memory, perception and state-of-mind important to the interview? What strategies or techniques did the attorney use to get accurate information from the client?

8. Was the fee agreement discussed during the interview? How and when did the attorney introduce this subject? Was the fee arrangement negotiated between the attorney and the client or presented by the attorney and accepted by the client? Was an engagement letter signed? Was a retainer required? Discuss how the attorney handled this discussion and the advantages and disadvantages of his or her approach.

9. Discuss the closing of the interview. How did the attorney let the client know what would happen next? Do you think the client was comfortable and understood the next steps in the process?
10. What ethical issues came up during the interview? How did the attorney and the client handle them?

Senior Assistant Dean Lisa Montpetit Brabbit
Closing Argument Template

1. Was the theme of the case clearly and effectively presented? Did the lawyer tell a compelling story?

2. Were all relevant and important facts included in the closing? Did the lawyer fail to convey an important fact?

3. How did the lawyer handle the weaknesses of the case?

4. Did the lawyer read from a prepared script? How would you evaluate the presentation of the case?

5. In a civil case, how did the lawyer argue the damages? Was it effective?

6. Did the lawyer use exhibits? Were they used effectively? Were they persuasive or helpful?

7. Did opposing counsel raise any objections during the closing statement? Was the objections sustained or overruled?

8. Evaluate the lawyer’s non-verbal communication during closing argument. Did the lawyer have any distracting habits?

9. Do you agree with the verdict?

Senior Assistant Dean Lisa Montpetit Brabbit
Contract Negotiations Template

1. How much of the drafting work consisted of composing original language, and how much consisted of adapting form contract provisions?

2. Were there any contractual issues that the client hadn’t considered, that the lawyer was able to warn the client should be addressed?

3. Were there any issues that the lawyer brought up that the client decided she would rather not address directly in the contract?

4. What issue in this deal does this lawyer think is most likely to lead to litigation in the future? How is this issue addressed in this contract?

5. How carefully does the lawyer think her client is reading the drafts of the contracts during the negotiation process?
Contracts / Litigated Template

1. Was the contract oral or written?

2. Was the entire business relationship between the parties captured in one contract? Do aspects of their relationship extraneous to the specific contract at issue seem relevant to the case?

3. Did the contract involve parties with equal bargaining power?

4. Does it appear that the parties involved actually bargained over the issue that was being litigated? Was the contested issue directly addressed in the language of the contract?

5. What sorts of evidence of the actual intent of the parties with respect to the disputed issue has been gathered? What will be introduced in court?

6. What type of contract principle was at issue in this case: consideration, formation, interpretation?

7. What legal arguments can you think of to support the position of the client represented here?

Professor Elizabeth Schiltz
Credit and Payment Devices / Delinquent Loan Template

1. What is the interest rate on the loan? Did the interest rate change over the course of the loan?

2. What happens under the loan contract if the borrower is late in making a payment?

3. What happens under the loan contract if the borrower wants to pay the loan off early?

4. Where was the borrower when she signed this loan contract: in her home, in the lender’s office, in a store?

5. Did the borrower compare the interest rate on this loan to interest rates on comparable loans offered by other lenders? Could this borrower have gotten this loan from any other borrower?

6. Did the borrower understand the terms of this loan when he borrowed the money? How do you know? Did the lender make any attempt to determine this?

7. Do the terms of this loan or the circumstances of the transaction violate any law?

Professor Elizabeth Schiltz
Credit and Payment Devices/
Interview with In-House Lawyer Template

1. What percent of the corporation’s bills are paid by cash, check, credit card, electronic fund transactions, letters of credit, promissory notes, or by securitization? What considerations dictate which form of payment is used?

2. What sorts of payment devices does the corporation accept from the people who owe it money? What considerations dictate which forms of payment are accepted?

3. Has the corporation ever been the victim of fraud in a payment device used by its customers? If so, what was the resolution of that incident?

4. How does the corporation protect itself from embezzlement by its employees who are authorized to pay bills for the corporation?

Professor Elizabeth Schiltz
Cross-Examination Template

1. Was the witness important? Why?

2. What did the lawyer hope to accomplish on cross-examination? Did that happen? What main points did the lawyer hope to establish?

3. Did the cross-examination help or hurt the opposing party’s case?

4. How long was the cross-examination? Was it shorter or longer than the direct examination?

5. Did the lawyer ask all leading questions? Did the lawyer ask any open-ended questions? Did the lawyer take any risks with the witness?

6. How credible was the witness? Was the witness able to explain his or her answers? Did the lawyer keep control over the witness? What objections were raise? Were they sustained or overruled?

7. Think about how the lawyer phrased the questions. Were they short and to the point? Were they compound questions? Were they easy to follow?

8. Did the lawyer advance or support his or her theme through the cross-examination? Did the lawyer ask the “one-question-too-many?” What was the “one-question-too-many?”

9. Did the lawyer argue with the witness? Was the witness hostile? What techniques did the lawyer employ to deal with the hostile witness? Were they effective? What help, if any, did the lawyer ask of the judge?

Senior Assistant Dean Lisa Montpetit Brabbit
Demand Letter Template

1. If you are the plaintiff, when and under what circumstances would you send a demand letter?

2. What should you include in the demand letter? Are the necessary elements of the claim all outlined in the letter? What attachments do you include? What do you need to demonstrate to meet your burden of proof?

3. How are the damages outlined in the demand letter?

4. How does the demand letter play into the overall settlement strategy? How does the demand letter fit with the ADR strategy?

5. Was the demand letter effective in bringing closure to the claim?

Senior Assistant Dean Lisa Montpetit Brabbit
Deposition Template

1. Do depositions seem to be an efficient way for the parties to get information from witnesses?

2. What does a deposition offer that written interrogatories or informal interviews do not?

3. What is more difficult: taking a deposition or defending a deposition? Why?

4. What are the two or three most important things to remember in preparing to take a deposition?

5. Can you raise objections if the witness is not your client? When and under what circumstances?

6. What are the most common abuses that occur at depositions? How effective are the formal rules – such as Fed. R. Civ. P. 30(c)(2)(requires objections to be “stated concisely and in a non-argumentative and non-suggestive manner) or Fed. R. Civ. P. 30(d)(2)(permits courts to impose sanctions) – at curbing such abuses?

7. Is the only goal or objective of taking a deposition to gather facts? How are depositions used at trial?

8. If the attorney could change any of the rules governing the conduct of depositions, what rule would he or she change? Why?
Direct Examination of Lay Witness Template

1. Why was the witness called to testify? What facts did the witness present that were critical to the case?

2. Did the direct clearly and efficiently present the facts of the case? If not, why not? What could the lawyer have done differently?

3. Did the lawyer ask all open ended questions? Did the lawyer use any leading questions?

4. What were the key elements of the direct examination? Did the lawyer follow an outline? Did the lawyer advance his or her theme of the case? Did the direct examination tell a story? Was it organized efficiently? Did the lawyer listen to the answers of the witness?

5. What did the lawyer do to solicit facts from the witness related to burden of proof?

6. What objections were raised and why? Were the objections sustained or overruled?

7. Who received more attention during the direct examination, the lawyer or the witness?

8. Was the witness credible?

9. Did the lawyer use exhibits? Was the use of exhibits effective?

Senior Assistant Dean Lisa Montpetit Brabbit
Drafting Judicial Opinions / Judicial Administration Template

1. How are the cases assigned? For district court judges, what type of administration system is used in the judge’s district? Does it vary by district?

2. What process does the judge follow in researching the legal issues involved and writing the opinion? What can the judge consider in deciding the outcome of a hearing?

3. How important are deadlines for lawyers? What happens if a lawyer misses a court deadline?

4. Whose voices are involved in the journey from hearing to written opinion?

5. How often does the judge responsible for the opinion consult other judges, law clerks, or court staff?

6. What other court employees are involved in judicial administration, and what are their roles in maintaining efficiency and quality within the individual court and the court system?

7. In what ways are financial concerns involved in the administration of cases on a day-to-day basis? Does every judge have a law clerk? An administrative clerk?

8. How and in what ways do personal and professional biases affect the effective administration of justice?
Ethical Leadership in Corporate Practice Template

1. Who is the mentor’s client? How does the client define the lawyer’s objectives?

2. To what degree do lawyers in corporate practice give independent judgment to the client? Does the lawyer give just technical legal advice?

3. What if the corporate officer does not follow the lawyer's advice?

4. How is a corporation’s culture established? What role does corporate counsel, whether in-house or outside counsel, play in building or maintaining a corporation’s culture?

5. If corporate ethics and corporate culture are a “top down” phenomenon, how do lawyers best assist senior managers and board members in developing the vision and culture of a company and its employees?

6. It is likely that in the minds of many lawyers and classically trained business executives, the first question asked or filter applied to any decision is whether or not the proposed action is lawful. Should the first filter instead be to ask whether or not the action is ethical and then proceed with the analysis of legality once it has been determined to be the right thing to do? If the first filter is legality, does it lead to poor decision making because lawful conduct is subsequently rationalized as being ethical? In other words, does an initial legal analysis tend to short-circuit or obscure the consideration of ethical factors?

7. Edmund Burke once said “All that is necessary for evil to triumph is for good men to do nothing”. What role do lawyers play in demonstrating “moral courage” in connection with corporate decision making? Is the courage to force explicit recognition of ethical issues one of the values counsel brings to the corporate decision making process? What positive and negative influences operate in this regard when a lawyer is an in-house counsel versus an outside attorney?

8. Time and again we see institutions trying to shield themselves from misconduct by erecting barriers instead of reforming or eliminating bad actors. Yet the NYSE Corporate Accountability and Listing Standards Committee has observed” No code of business conduct or ethics can replace the thoughtful behavior of an ethical director, officer, or employee”. Would you agree that in the end, the best defense against corruption is more virtue, not more rules? If not, why not? How do we set about creating more virtue and what role do lawyers play in imparting or teaching core virtues such as truth-telling and promise-keeping?

Professor Neil Hamilton
Expert Witness Deposition Template

1. What did the lawyer review to prepare for the deposition?

2. What did the expert review to prepare for the deposition? Are the documents the expert reviewed to prepare for the deposition discoverable by opposing counsel?

3. Did the attorney prepare an outline of topics or questions to cover during the deposition? Did the attorney rely on the outline?

4. Did the attorney have the opportunity to meet with the expert prior to the deposition? For what purpose?

5. What was the purpose of the deposition? Why was the expert hired? What special knowledge does the expert have?

6. How was the expert located and selected?

7. What are the costs associated with the deposition? With the expert’s time? Who pays the costs?

8. What does Fed. R. Civ. P. 26(a) say about disclosing information regarding expert witnesses?

9. Did the expert prepare a report prior to testifying? Was the report provided to the other parties to the lawsuit?

10. Does the expert have the opportunity to review the deposition transcript for accuracy? When and how is this accomplished?

11. Are all expert witnesses who are expected to testify at trial subject to deposition prior to trial? Do the state rules and the federal rules differ? If the expert is not deposed prior to trial, how do the parties discover the facts known and opinions held by the expert?

12. How did the attorneys lay the proper foundation?

13. What objections were raised? Were the objections proper? What was the basis for the objection?

14. Did the attorneys thoroughly explore the opinions of the expert? Could additional questions have been asked of the expert?

15. Did the attorneys thoroughly explore the background (education, experience, scholarship, etc.) of the expert? Why is background relevant to the finder of fact?

Senior Assistant Dean Lisa Montpetit Brabbit
File Management Template

1. Once the retainer agreement is signed, what is the process for opening up a client file? What is the purpose of the file management system?

2. How is the file identified (e.g., numerically, alphabetically)? How are client files organized? How are individual files organized?

3. Do the lawyers track any data on each file (e.g., case turn-around time, time spent in the court system, reports on oldest to newest files)?

4. Does the file management system include a conflicts check? How is the conflicts check administered for new files? What is considered a conflict? What rules apply?

5. Does the file management system include a statute of limitations notice? If so, how many and how often before the statute runs?

6. Is the file management system a paper system, electronic system, or a combination of both?

7. Does the client receive the file when the matter is concluded? Does the firm retain any documents or all of the file? How long is the file kept in the office after the matter is concluded? What is the retention policy?

Senior Assistant Dean Lisa Montpetit Brabbit
“Fostering Professional Ideals: Can the Law Schools and the Profession Do Better?”

Template

1. The law school experience begins a process of socialization into what the profession honors and values. Some scholars believe that the new law student is largely socialized after the first year. Based on their experience, what principles and qualities do the law students think the law school culture and the culture of the profession most honor and value? Are the espoused ideals different from the reality the student is experiencing?

2. Based on their experience, how do mentors answer the same question? What messages do the law firms and law departments send about professional ideals and what is most important in the practice of law?

3. Among the ideals our profession strives to achieve, where do we have the most room for improvement? What could be done specifically to reduce the gap between the espoused ideal and the reality of the practice?

4. In terms of the gap between professional ideals and practice reality, what can we learn from Enron, WorldCom and other current instances of corporate wrongdoing and the role of lawyers in these events? How can we reduce the gap? Is it a matter of more rules?

5. The Preamble to the Rules calls lawyers to be a representative of clients, an officer of the legal system and a public citizen having a social responsibility for quality of justice. Are all three of these roles actually realized in the practice? Do zealous advocacy and the money that rewards it dominate the other two roles? If so, can that be remedied?

6. Do mentors and law students see the practice of law as a calling? What does that mean? How could the law schools and the profession encourage actually living this approach to the practice?

Professor Neil Hamilton
Grades and the Profession Template

1. In order to be competent at our profession, a lawyer must have both sufficient doctrinal knowledge of the major fields of substantive law and procedural law and fundamental lawyering skills. The 1992 ABA MacCrate Report lists the fundamental lawyering skills as: Problem Solving; Legal Analysis and Reasoning; Legal Research; Factual Investigation; Communication (written and oral); Counseling; Negotiation; Litigation and ADR Procedures; Organization and Management of Legal Work; and Recognizing and Resolving Ethical Dilemmas.
   a. What do your grades in law school tell you about your progress in learning the necessary doctrinal knowledge and fundamental skills to practice law?
   b. What does a “C” mean in this context? A “B”? An “A”? What about a grade below a “C”?

2. The MacCrate Report lists the following fundamental professional values for the practice of law: Provision of Competent Representation; Striving to Promote Justice, Fairness and Morality; Striving to Improve the Profession; and Professional Self-development. What do grades tell you about your progress in learning those fundamental values?

3. Do you know the grades and class rank of your dentist? Your doctor? Your priest or minister? If not, what does that tell you? Why do you go back to them? Do you think a doctor who graduated in the bottom half of the class can provide you the help you need? What are the skills or virtues that lead you to trust your doctor, dentist or clergy? Are they applicable in our profession?

4. Are grades simply a ranking device to tell employers your capability at certain skills and knowledge relative to others? Do grades provide any information for your own life choices? For example, if you received lower grades in college in the sciences or math, did that result give you any useful information for your own life choices?

5. Why do the larger firms emphasize grades and class rank so much?

6. Does the culture that we (your class and the professors) are developing honor each person as a whole person for the contribution that each can make? Are we finding a path where we can honor both academic achievement and other contributions?

Professor Neil Hamilton
Hennepin County Professionalism Committee Template

1. Talk to one of the committee members of the meeting. What is the mission of the committee? What are the goals of the committee? Are they different?

2. Did the discussion at the meeting address ways in which lawyers can prevent ethics violations?

3. Who are the members of the committee and how are they selected? Is there a screening process?

4. Does the committee address current issues and trends in the profession?

5. Do the discussions strictly focus on the rules? Do the discussions address professional aspirations?

6. Is the committee successful in obtaining its stated goals and furthering its mission?

Senior Assistant Dean Lisa Montpetit Brabbit
Housing Court Proceeding Template

1. Was the action initiated by the tenant or the landlord? For what reason? What steps did the complaining party take to initiate the proceeding?

2. Were one or both parties represented by attorneys? If not, how did the lack of attorney representation impact the proceeding, if at all?

3. What role, if any, did a written or oral lease play in the proceedings? Were any parts of the lease (contract) in dispute?

4. What type of settlement attempts were made before the housing court trial? Discuss the bargaining power of each party and how that might have impacted the possibility of settlement.

5. Was the case heard by a judge or a referee? What is the difference?

6. Was an ERTA (Emergency Remedy Tenant Action) involved in this case? Explain the purpose of an ERTA.

7. What public policy issues and/or social justice issues did you think about while observing housing court? What types of action could be taken to mitigate the problems that cause people to end up in housing court? Who should be taking action?

8. What legal steps must a landlord take to evict a tenant? What can a tenant do to avoid eviction?

9. How are housing court proceedings different from other court proceedings that you have observed?

10. What is the Implied Warranty of Habitability? What remedies does a tenant have for a landlord’s breach of the Implied Warranty of Habitability? Was this principle an issue in the proceeding you observed?
Integration of Faith in Work Life Template

1. What roles does faith play in your daily work as an attorney or judge?


3. Is faith life solely personal and private within your work environment, or is there explicit discussion of the role of faith and individual and collective morality?

4. Do you engage in pro bono work as an expression of your theology of service?

5. What role does faith play, if any, in your interaction with clients? What if you know the client a person of strong faith commitments?

6. How, if at all, is your faith at odds with the pressures, expectations, or realities of the profession?

7. How do you integrate your personal faith and morality and the reality of your work environment or the profession in general?
Jury Instruction Template

1. What resources did your or the lawyers use to draft the jury instructions?

2. What is the purpose of the jury instructions?

3. What jury instructions did the parties advocate or argue for?

4. Did any of the parties draft a specific jury instruction to address a unique or specific aspect of the case?

5. How did the parties organize the jury instructions?

6. What role did the judge play? What decisions did the judge have to make?

7. Did the judge both read the instructions and provide a copy to the jury?

8. When did the judge present the jury instructions to the jury?

9. Were the jury instructions easy to understand, or did some of the instructions leave room for ambiguity? Did the jury have questions about any of the instructions?

Senior Assistant Dean Lisa Montpetit Brabbit
Land Use Planning Board or Zoning Commission Meeting

1. Describe the Board or Commission. Who are the members? Who appointed them? How long are their terms? What are their responsibilities? What are the powers of the Board or Commission?

2. Describe the applicants or interested parties at the meeting. Were they citizens, companies, other governmental bodies, etc.? Were they represented by attorneys? What were their goals?

3. Was an attorney present to advise the Board or Commission? What was his or her role in the meeting?

4. How was public comment structured? Was there a time limit? Who could testify? Who testified or spoke to the Board/Commission about the issues? What other principles were evident in the testimony? Did these principles noticeably impact the decision-making body?

5. If possible, get or review a copy of the governmental unit’s comprehensive plan. When was it written? Who was involved in writing it? What can you infer about the local unit of government from its comprehensive plan? Was the applicable comprehensive plan discussed during the meeting?

6. Explain the relationship between the comprehensive plan and the zoning ordinance.

Senior Assistant Dean Lisa Montpetit Brabbit
Legislative/Committee Hearing Template

1. What were the roles of the following individuals: chair, committee members, staff, lobbyists, the public or other interested parties?

2. How was the committee convened?

3. Are minutes generated from the meeting? How is the discussion preserved and why?

4. What was the issue debated? Was the issue fairly represented by all prospective stakeholders?

5. To what extent did the debate appear “political”? Did the substantive elements of the issues receive the appropriate focus and attention?

6. Did the outcome appear to be reflective of the issues raised in the discussion? Do you think the outcome was appropriate?

7. What was the purpose of the questions asked? To gather facts? To set the stage for further discussion?

8. If you observed the chair and the senior members of the committee before and after the hearing, what happened?

9. How do the lobbyists connect with committee members?

10. What role did the media play, if any?

Senior Assistant Dean Lisa Montpetit Brabbit
Legislative / Floor Debate Template

1. How did the issue get to the floor? What is the relevant history of the issue before the legislature?

2. What rules govern the floor debate? Are the rules followed? What happens if they are not? What are Mason’s Rules?

3. Is there a time limit to an individual’s comments or the debate?

4. What was the role of the following individuals: Speaker, Majority Leader, Minority Leader and Chief Clerk?

5. Was the issue thoroughly explored?

6. What was the outcome of the debate?

7. Did the “process” seem fair?

8. How was the vote taken? What was the outcome? Do you agree with the outcome?

9. What role did the media play, if any?

Senior Assistant Dean Lisa Montpetit Brabbit
Mediation Template

1. What is the role of the mediator? Did the mediator explain his/her role to the litigants?

2. How was the mediator selected? Did the parties agree on a mediator or was the mediator appointed? If the mediator was agreed to by the parties, what factors did the mentor consider in selecting the mediator?

3. What is the experience of the mediator? How important is his/her experience in establishing credibility and trust?

4. Did the mediator separate the parties or keep the parties together? What are the advantages and disadvantages to those methods for mediation?

5. Was the mediator licensed or certified? What are the requirements of licensure or certification? Was it important or irrelevant to the process that the mediator held those credentials?

6. Did the mediator require the parties to sign a mediation agreement? What did the mediation agreement outline? Did the mediation agreement address ethical issues? What were they?

7. What did you find interesting or surprising about the way the mediation unfolded?

8. How involved was the client? Who seemed to be making the decisions?

9. State statutes address confidentiality in the mediation process. What rules governed confidentiality during the mediation you observed? Did the mediator review the rules of confidentiality before or during the process? Did the rules adequately allow the parties to talk openly with the mediator while protecting the client’s interests?

10. Was the mediation successful? What factors contributed to the success of the mediation?

11. What was the cost of the mediation? Who covered the cost of the mediator?

Senior Assistant Dean Lisa Montpetit Brabbit
Medical Records (Tort Case) Template

1. Review Rule 35 of the Minnesota Rules of Civil Procedure for state actions. What is the scope of the rule? How does the rule define disclosure of medical information and under what circumstances? Is there a corresponding federal rule 35? In what ways are the two rules different?

2. How are medical record admitted into evidence?

3. Do the parties redact any information in the medical records before the jury inspects the records? What type of information, if any, is taken out?

4. What challenges are present in trying to read and understand the records? What resources are helpful in understanding the records? What are some common abbreviations that the medical personnel use to record information?

5. Review the medical records release form. What does the release allow for? Does the release allow the lawyer to speak to the physician? How long is the release good for?

6. Are there any statutes that impact the disclosure of medical information?

7. Did the lawyers and/or the parties have to pay for the records? Who determines the cost of the records?

Senior Assistant Dean Lisa Montpetit Brabbit
Negotiation Template

1. What role does negotiation play in the mentor’s practice?

2. What are the preferred methods of communication for the negotiation process: phone, in-person, e-mail, or letter? Are there advantages and disadvantages to the various methods of communication?

3. How involved was the client in the negotiation process? How did the mentor prepare the client for a negotiation?

4. From a procedural standpoint, when is negotiation appropriate?

5. How did the mentor and the client decide the following:
   a. whether the client should participate in the negotiations?
   b. what the client is trying to accomplish through the negotiations as well as what you expect the other side is trying to accomplish through the negotiations?
   c. what should be “on the table” at the negotiations?
   d. whether to make/accept a settlement proposal?

6. When the other attorney asks for information you don’t want to disclose, how do you respond in a way that protects your client’s interest but also allows you to retain your integrity and credibility?

7. What advice does the mentor have for a law student to help him/her better prepare himself/herself for the extent to which negotiations will play a role in his/her practice?

8. After observing the negotiation, what did you find interesting about the way the negotiations unfolded?

9. Does the mentor have a different negotiation style with different individuals? What are the factors that determine how the mentor will proceed?

10. Was the negotiation successful? Why or why not? If yes, how long was the process?

11. Was the negotiation an efficient way of reaching a mutually acceptable agreement? Why or why not?
Opening Statement Template

1. Describe the communication style of the attorneys. Did they use notes? Did they use a lectern? Did they appear to believe in the case? How did the jury seem to react?

2. Did opposing counsel raise any objections during the opening statement? On what ground? Did the judge sustain or overrule the objection?

3. How did the opening statement convey the theory of the case? When was it conveyed? Was the theory of the case repeated? Was it presented in a way easily understandable to jurors?

4. Evaluate the first minute of the opening statement. What type of first impression did it leave with you? What was communicated during this first minute?

5. What themes were communicated during the opening statement? Were they effective? Why or why not?

6. Outline the contents of the opening statement. Which of these issues were introduced and/or discussed during the opening statement: parties, scene, instrumentality, issue, what happened, basis of liability/nonliability or guilt/nonguilt, anticipation and refutation of other side’s theory, damages?

7. How long was the opening statement? Did the jurors remain attentive the whole time? In your opinion, was it too long, too short or just right?

8. How did you feel about the case at the conclusion of the opening statement? If you were a juror, would you be interested and perhaps excited about hearing the evidence? If you were a juror, what questions about the case would you have after listening to the opening statement?

9. Talk with your mentor or another attorney about the importance of opening statements. What does he or she think are the most important things to consider when writing and delivering an opening statement? What are the do’s and don’ts? What type of preparation is necessary to deliver an effective opening statement?

Senior Assistant Dean Lisa Montpetit Brabbit
Pretrial Conference (Civil) Template

1. Was the pretrial conference requested by one of the parties’ or ordered by the court? What was the purpose of the pretrial? Did the judge require certain individuals to attend?

2. How did the judge’s skills and personality impact the conference?

3. Was settlement discussed at the conference? Were any new offers or demands made by the parties? Why hadn’t settlement occurred prior to this point? How did the judge address the issue of settlement?

4. Were the attorneys adequately prepared for the conference? How could you tell? What type of preparation is necessary for a pretrial conference? How did the attorneys preparation or lack thereof impact the conference?

5. What lawyering skills were helpful or necessary? How did the attorneys’ skills or lack thereof impact the conference?

6. Was discovery in the case complete at the time of the pretrial? If not, did this impact the position of the parties at the pretrial?

7. Discuss the plans for trial. Are they adequate? To what degree will the plans made at this conference expedite the disposition of the issue? Did the judge issue a pretrial order?

8. Review the Minnesota Rule of Civil Procedure 16.03 – which of the listed “subjects for consideration” were addressed at the pretrial conference? Are there subjects listed in the Rule that were not addressed at the pretrial conference that you think deserved attention at the conference?

Senior Assistant Dean Lisa Montpetit Brabbit
Pro Bono Work Template

1. How important is pro bono work to the mentor’s legal employer? To the community as a whole?

2. How significant is pro bono work to the practice of law? Why? Can the profession do better? How?

3. What are the mentor’s motivations for doing pro bono work?

4. How does the mentor’s firm/organization encourage its attorneys to take pro bono cases?

5. Is there a conflict between billable work and pro bono work? What takes priority and what are the factors considered? How are such conflicts resolved, both personally and organizationally?

6. What types of pro bono work does the mentor do and how did he or she get involved in that specific work? What type of pro bono work would be important to you?

7. Does pro bono work contribute to or detract from having balance in the mentor’s life?

8. How do the financial limitations of doing legal work for free affect, if at all, the quality of representation provided?

9. Should pro bono work be required of all licensed attorneys?
Professional Responsibility / Ethics Template

1. What circumstances have provoked your most difficult ethical dilemmas in your work?

2. What are the most common ethical problems associated with your practice?

3. How often do you observe ethical issues? Have you ever reported an ethics violation to the board of professional responsibility?

4. How often does the intersection of income and ethical practice cause moral tension? In what circumstances? How do you approach resolving that tension?

5. How are the Rules of Professional Conduct viewed in general practice? As a minimum requirement? As a definitive set of guidelines outside of which one can operate and act freely (i.e. as long as I’m not explicitly violating the rule, I’m free to act as I please)?

6. Are the Rules effective in regulating the profession?

7. On January 11, 2001, the Minnesota Supreme Court adopted the Professionalism Aspirations. What purpose do they serve? How are the Professionalism Aspirations viewed in general practice? How often do you observe lawyer behavior that falls short of the Aspirations? What are the common shortcomings?

8. What does your personal sense of ethical behavior/practice require of you that would be acceptable or unacceptable under the Rules of Professional Conduct?
Sales - Transaction Conducted Electronically Template

1. Identify the offer and the acceptance of the offer.

2. How is the contract memorialized? Is there a printed record of the final contract?

3. What law applies to the resolution of this dispute? Is it a particular state’s contract law; if so, has this state enacted the Uniform Electronic Transactions Act? Is it the federal Electronic Signatures in Global and National Commerce Act? How was that jurisdiction chosen?

4. Does the contract contain an arbitration clause?

Professor Elizabeth Schiltz
Sales – Warranty Disclaimer Template

1. Is this a consumer transaction or a commercial transaction? Does that make a difference to this issue?

2. Are there any statutory limitations on the breadth or effectiveness of such a disclaimer?

3. What type of warranty is being claimed: implied or express, merchantability or fitness for a particular purpose?

4. How conspicuous is the disclaimer?

5. Is this disclaimer effective? If not, how could it be amended to have the effect that the drafters probably intended?

Professor Elizabeth Schiltz
Scheduling/Discovery Conference Template

1. Fed. R. Civ. P. 26(f) provides that litigants must plan for discovery. What does Rule 26(f) require? Is there a corresponding rule in state court? Does Minn. R. Civ. P. 16.02-.03 apply? What does Rule 16.02-.03 require? How are the two rules different?

2. What is the purpose of the conference? Is a scheduling conference required in every case filed with the court?

3. What are the litigants requesting? Did the judge impose any limitations on the time frame for discovery? For motions?

4. What is the role of the judge? Why would the court request a scheduling conference? Is the court concerned about case management?

5. Did the court issue an order requiring a scheduling conference, or did one of the litigants request the court hold the conference?

6. Who was required to appear at the conference? Was the client present? If the client was present, what role did the client play? If the client was not present, why not?

7. What documentation did the court require of the parties prior to the conference? What is an Informational Statement Form and how is it relevant to the discovery conference?

8. How formal / informal was the process? Did the conference take place by telephone, in chambers or in the courtroom?

9. What was the result of the conference? Did the court issue an order following the conference? What did it outline?

10. If the court issues an order outlining the dates and deadlines for discovery, can the litigants request an extension on a later date? How is that accomplished?
Settlement Conference Template

1. Was the settlement conference court ordered or initiated by the parties? Are settlement conferences common to this type of dispute? Who attended? Did the judge require certain individuals to be present?

2. Who conducted or refereed the settlement conference?

3. What was the posture of the parties at the beginning of the conference? How did their positions change (if at all) during the course of the conference?

4. Comment on the strategies used by each party during the settlement conference. Which strategies were most effective? Why?

5. How did the attorneys prepare for the settlement conference? Were they adequately prepared? Ask your mentor or another attorney about what he or she thinks are the most important things to remember when trying to negotiate a settlement.

6. Did settlement occur? Why or why not? What were the biggest barriers and challenges to settlement?

7. How do the applicable court rules address settlement and settlement offers? What do the Model Rules of Professional Conduct say about settlement? Ask your mentor or another attorney if and how the attitude about and process of pretrial settlement has changed over the past decade.

8. Comment on the worth and practicality of the settlement conference that you observed. What was the most important lesson you learned about settlement?

Senior Assistant Dean Lisa Montpetit Brabbit
Site Inspection (Torts Case) Template

1. Who attended the site inspection? Why did they attend? Did the parties have any experts present?

2. What steps were taken to arrange for the inspection? Was the court involved? Did the parties need to obtain permission from an individual or entity?

3. What were the parties or lawyers looking for? What did the find?

4. How did the parties record the information (i.e., video, photos, written notes, audio)? Are these recordings discoverable in litigation?

5. How was the evidence preserved, if at all? Did any party raise the issue of spoliation of evidence? What happens if one party removes, destroys or otherwise alters key evidence in the case?

Senior Assistant Dean Lisa Montpetit Brabbit
Title Search or Closing Template

1. Were all the parties present with counsel? If not, do you believe that party was at a disadvantage? If one or more of the parties’ were represented, what was the attorney’s role before, during and after the search or closing process?

2. Do the parties’ seem to be fully appraised of their legal rights and responsibilities during the process? Why or why not? What could be done to better inform the parties’ of their legal rights and responsibilities?

3. Why is a title search necessary when refinancing or purchasing property?

4. Who conducted the title search? How was it conducted? What was the fee for the title search?

5. In a closing, what other actions besides a title search, are legally necessary?

6. What is the difference between an owner’s title insurance policy and an attorney’s title opinion? What are the advantages or disadvantages of each? Is one or the other required?

7. What is the difference between abstract property and torrens property?

8. In a closing, did the purchase agreement have an arbitration agreement addendum? Did the parties’ sign it? What (if any) discussion about the addendum took place?

9. What issues came up during the search or closing? How were they resolved?
1. Discuss the four elements of a negligence claim: duty, breach, causation and damages. What element of the plaintiff’s case presents the most difficulty and why?

2. What does the mentor consider when drafting pleadings in a tort claim? What statutes and rules impact the way the pleadings are drafted in a tort claim?

3. What are some of the statutes of limitations in a tort claim? Do statutes of limitations vary from state to state?

4. What defenses can be raised? When are defenses first raised and how? Does a lawyer tailor the discovery around the defenses? How?

5. What is the burden of proof? Who has the burden of proof? Does the burden of proof ever shift to the opposing party?

6. How does the plaintiff outline the damages in the tort claim? Are there compensatory damages? What other types of damages are there?

7. How does a plaintiff prove punitive damages in a tort claim? What does a plaintiff’s lawyer need to demonstrate in order to get the issue of punitive damages to the jury? What does the statute require before a motion for punitive damages will be granted?

8. In a personal injury matter, how does the plaintiff’s lawyer prove causation?

9. Is summary judgment an appropriate tool for the defense? What about for the plaintiff? What is the basis for the motion? When should a summary judgment motion be brought?

10. Were depositions taken in the claim? Do the questions focus on the elements or defenses of the claim? What types of questions were asked? For what purpose?

11. How important is the credibility of the plaintiff in a torts case? Does the lawyer investigate the credibility of the plaintiff? How?

12. What experts will testify at trial? Why? What will they offer? Will the expert testify live or by videotape?

Senior Assistant Dean Lisa Montpetit Brabbit
Voir Dire Template

1. Discuss the type of trial and jurisdiction. What rules regarding Voir Dire are applicable? What “rules” were set by the judge regarding the questions the lawyers could ask?

2. Discuss the purposes of voir dire with your mentor or another attorney. How does the purpose of voir dire (or the balance of purposes) differ with different types of cases?

3. Were written questionnaires used for prospective jurors? Did your mentor/attorney submit questions for the questionnaire? How did your mentor/attorney utilize the answers to the questionnaires prior to voir dire? What types of cases lend themselves to a questionnaire?

4. How did your mentor/attorney prepare for voir dire? How much time did it take? How does the preparation vary for different types of trials?

5. What questions did the judge ask the jurors? How many jurors were excused after the judge’s questioning?

6. What are challenges for cause? What types of challenges for cause were used in this instance, if any?

7. What are peremptory challenges? How many could be used on this case? Were they all used? Were there objections to any of the peremptory challenges? How were these objections handled?

8. In addition to the prospective juror’s verbal answers to questioning, what else was your mentor or attorney looking for? Why? What nonverbal actions might be meaningful? Why?

9. Did you feel that the attorneys were “arguing” the case in voir dire? How so?

10. How did the attorney decide who to strike? How did this process occur?

Senior Assistant Dean Lisa Montpetit Brabbit
Wills, Estates and Trusts I Template

1. What effort was made to determine the competency and freedom of the testator?

2. What efforts were made to provide for family?

3. To what extent were standardized forms employed? What values do they serve?

4. In a probate matter, who is the client? Can a lawyer have more than one client?

5. What are the notice requirements for probate? What happens if the notice requirements are missed? What statute(s) governs notice? What does the statute say about who you have to give notice to?

6. What are the notice requirements for intestacy? What efforts were made to contact the heirs?

Senior Assistant Dean Lisa Montpetit Brabbit
and Professor Charles Reid