MENTOR EXternship PROGRAM manual: A guide for students and mentors

2018 - 2019
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WELCOME

Welcome law students, mentors, and faculty mentors. What follows is a detailed guide to the University of St. Thomas School of Law 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 or 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
Welcome to the Mentor Externship Program – a cornerstone of the curriculum since the founding of the University of St. Thomas School of Law 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, called the Personal and Professional Development Plan. The PPDP allows the student and mentor to focus their time during the year on experiences and topics of conversation that help the student discern his or her career interests, professional skills, and talents.

2. **Participate/Observe/Create.** By engaging in experiences in the field and in conversations with their mentors, students form professional mentoring

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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, https://advance.lexis.com/api/permalink/f39d7374-be8e-46e1-9709-3b8d32a23c1c/?context=1000516; 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 the University of St. Thomas School of Law 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 University of St. Thomas School of 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).

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
relationships and learn the customs, standards and values of the profession. Students observe or engage in the broad spectrum of the work and professional activities of their mentors, thus experiencing the professional legal world alongside their mentors, to better understand the diverse spectrum of work that lawyers and judges do.

3. **Reflect.** Students contemporaneously log their fieldwork activities, reflecting on the unique roles lawyers play in the community, what they are learning about the profession and themselves, and how their experiences help them define their professional identity and refine their professional development goals.

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

Each student establishes a mentoring relationship with a local5 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 the University of St. Thomas School of 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. LL.M. in U.S. law 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

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5 In 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 states.
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 participate in the program annually, working with a student body of approximately 400 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.6

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):

- **Ethics Mission.** The student reflects on his or her core values and first principles of professionalism and writes 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.7

- **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,8 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.

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6 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.

7 1L and LL.M. students complete a minimum of four distinct experiences; 2L and 3L students complete a minimum of five. Students and mentors have a list of 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 “Experiences” tab of this Manual.

8 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.
Throughout the year, the student takes the lead in developing the relationship with his or her mentor by initiating contact, engaging in activities to carry out his or her plan, and recording all program activity using Mentor Log. 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 the 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.

**Upper Level Mentor Externship Coursework**

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. Students in the LL.M. in U.S. Law Program take a one-credit Mentor Externship course.

These year-long 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 and field placement standards. Key course components include:

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9 The tailor-made Mentor Log software program has been in development by University of St. Thomas 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 6.0 in the summer of 2015.

10 The ABA requires that a student successfully complete sufficient prerequisites or contemporaneously receive sufficient training to assure the quality of the student educational experience in a field placement program. Generally, students who have not completed 28 credits at the end of their first year will take Laws 930 in their third year and Laws 933 in their fourth year.

11 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/2015_2016_chapter_3.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_chapter_3.authcheckdam.pdf) Guided student reflection is assured by the contemporaneous seminar course. 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.
1) feedback and guidance from a Faculty Mentor\textsuperscript{12} 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.

\textsuperscript{12} Faculty Mentors are adjunct faculty drawn from private practice, corporate, public sector, and the judiciary, as well as full-time University of St. Thomas School of Law Faculty and Staff. (See “Faculty Mentors” at the “Mentor Externship Coursework” tab).
2018-19 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 by September 7, 2018 to arrange for a meeting to discuss the student’s Personal and Professional Development Plan (PPDP). Follow up by mid-September, if necessary, to set or confirm initial meeting date with mentor.

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

4. Complete the PPDP and submit final in Mentor Log no later than September 27, 2018. The student must certify that he or she met with the mentor in person and discussed the draft PPDP. (See “Standards of Conduct”)

5. Log all fieldwork activity as it is completed in Mentor Log, including orientation, all points of contact, experiences, and debriefings, even if they exceed minimum 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 November 29, 2018. (See “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 November 29, 2018. (See “Fieldwork Guide”).

9. Contact mentor in April to schedule a year-end meeting to discuss the completed mentor log. Ensure that all fieldwork is completed, logged, and approved prior to the year-end meeting.

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 25, 2019.

While students do not earn academic credit 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).¹³

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

3. Prepare introductory letter and resume and send to mentor (and upload to Course Canvas and Symplicity) by September 7, 2018. (See detailed instructions on Course Canvas)

4. Follow up by mid-September, if necessary, to set or confirm initial meeting date with mentor.

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

6. Complete PPDP and submit final in Mentor Log no later than September 27, 2018. Accurately certify that the meeting was with the mentor in person and the draft PPDP was reviewed and discussed. (See “Standards of Conduct”)

7. Log all fieldwork activity¹⁴ as it is completed in Mentor Log, including all points of contacts, experiences, and debriefings, even if they exceed minimum 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 November 29, 2018. (See “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 November 29, 2018.

11. Contact mentor in April to schedule a year-end meeting. Ensure that all fieldwork is completed, logged, and approved prior to the 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 25, 2019.

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¹³ 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.

¹⁴ Time spent attending and preparing for class, writing assignments, and meeting with the Faculty Mentor are allocated to the 20 hours of class and thus cannot be logged in Mentor Log as fieldwork.
2L/3L 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 have been 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 at the start of the academic year and receive mentor assignments.

2. Contact mentor by September 7, 2018 to arrange for a meeting to discuss the student’s Personal and Professional Development Plan (PPDP). Follow up by mid-September, if necessary, to set or confirm the initial meeting date with the mentor.

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

4. Complete the PPDP and submit final in Mentor Log no later than September 27, 2018. 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, 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 November 29, 2018. (See “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 November 29, 2018. (See “Fieldwork Guide”).

9. Contact mentor in April to schedule a year-end meeting to discuss the completed mentor log. Ensure that all fieldwork is completed, logged, and approved prior to the year-end meeting.

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 25, 2019.

Time spent attending and preparing for class, writing assignments, and meeting with the Faculty Mentor are allocated to class time and thus cannot be logged in Mentor Log as fieldwork.
STUDENT PROFESSIONAL RESPONSIBILITIES

Professionalism and Good Standing

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

Mentor Externship focuses on relationships and professionalism. Students must 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 consequent probation, as well as loss of academic credit.

The University of St. Thomas School of Law’s Academic Policy Manual Rule III-A-1 provides that satisfactory completion of all requirements associated with the Mentor Externship Program is necessary 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 University of St. Thomas 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 the University of St. Thomas School of Law 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 University of St. Thomas School of 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 the University of St. Thomas School of Law 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 meet in person with your mentor (or were you given express permission by the Director to communicate with your mentor in a different manner)?
2. Did you provide a copy of your Mentor Log to your mentor and discuss it with him or her?
3. Have you received credit for any disallowed activity for which you are not allowed to receive credit? (See “Disallowed Activities” tab)
4. I certify that all of my mentor log submissions are true and correct.

A student may violate the Code of Student Responsibility even if a student’s misrepresentation or inaccurate statement is not intentional. To ensure compliance with these standards, students must:

1. Become familiar with the requirements of the course and accompanying fieldwork.
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. Do not check 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 final PPDP, checking off that she met in person with her mentor. In fact, she has not met with her mentor.

2. A student logs an event indicating that she attended an appellate court argument. In fact, she watched the argument on the internet.

3. A student logs a “debriefing” and checks off that her mentor was present. The log describes a conversation the student had with a lawyer who is not the student’s mentor and identifies that lawyer.
4. A student logs a “debriefing” and checks off that the student’s mentor was present. In fact, her mentor was out of the country so they talked on the phone. The student did not get permission in advance 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 must be met 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 both 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. To request an extension in the program as well as in the profession, follow this standard practice:

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 should:

1. Confirm a new date with your mentor;
2. Report to the mentor that you have been in contact with the Director and have received an extension;
3. Communicate 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 University of St. Thomas Counseling Services. Additional student assistance information is available in the Law Mentor Program Community Canvas.

**Disallowed Activities**

In order to meet ABA standards for externships and the objectives of the program, the following activities **will not** receive fieldwork 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.\(^{16}\)

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\(^{16}\) 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.
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 (CLE) programs or networking events with lawyers or judges.

5. **Activities Outside of Fall and Spring Semester Courses.** 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 presence or supervision 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.\(^\text{17}\)

Students are required to certify at the time they submit their year-end meeting log that they have not received credit for any activities that are “disallowed activities.” It is each student’s responsibility to ensure that this certification is made accurately. Receiving credit for activities that are not allowed and making a false certification are independent violations of the Code of Student Responsibility.

### Class Absences for Mentor Fieldwork

University of St. Thomas School of 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.

\(^{17}\) 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.
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.
MENTOR RESPONSIBILITIES AND ACTIVITIES

The mentor-mentee relationship plays a fundamental role in the mentee’s professional identity formation; i.e. learning what it means to be a lawyer.

The program’s structure and milestone dates provide clear expectations for both the mentor and the mentee. The fieldwork activities provide myriad opportunities for the mentee to have lawyering experiences with the guidance and supervision of the mentor. Finally, the program’s focus on fostering professionalism and development of relationship skills and professional competencies offers many opportunities for feedback.

Mentor Responsibilities

1. Meet with your mentee before September 27, 2018 to discuss and complete with your mentee a Personal and Professional Development Plan (See “PPDP” tab).18

2. Discuss with your mentee how to best communicate with you to schedule activities and respond to communications from your mentee.

3. Commit approximately 15-18 hours (approximately two hours per month) to mentoring your mentee during the school year (August-April).

4. Debrief (discuss) with your mentee 2 or more topics during the year (at least 1 of which should occur prior to November 29, 2018), which may be a conversation following an experience, a debriefing template, or a conversation about another topic. (See “Debriefing Templates” for examples).

5. Complete 2-5 experiences with your mentee during the year. (See “Experiences”).

6. Meet with your mentee to review and discuss the student’s completed mentor externship log19 by April 25, 2019.

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18 Students certify that they have met and discussed the PPDP with the mentors; mentors do not sign the PPDP.

19 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.
Common Mentoring Activities

Observation. Observing lawyering activities is a common model for exposing mentees to the profession. This opportunity can be enhanced when the mentee prepares for an observation by researching relevant substantive law or procedural rules, reviewing pleadings or other documents or sources, or discussing in advance how the mentor prepares for the activity.

Real World Simulation. The mentee may not have 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 final product can provide a teaching opportunity. As another example, a mentee may prepare his or her own set of deposition questions, direct examination questions, or arbitration questions. Real world simulation in the program allows the mentee to stand in the shoes of the mentor or other lawyer who has already, or contemporaneously, completed the work.

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

Professional Activities. Mentees enjoy attending professional activities such as bar association meetings, charitable or social events, and educational programs. These activities give the mentee an appreciation of how lawyers contribute to the profession and the community and the importance of relationships in the profession.

Supervising and Giving Feedback to Mentees

Supervision. The mentee’s activities and communications with the mentor provide the student with core opportunities to gain lawyering experiences and be mentored and for mentors to have a meaningful mentor experience. By working with the student to plan activities for the year, engaging in activities during the year, and closing the year with a review of the student’s fieldwork log, the mentor guides the process and oversees the student’s fieldwork, including the supplemental activities a student may do in the field with other lawyers and judges. Mentors are not expected to drive the process or enforce deadlines. However, a mentor’s willingness to encourage the student’s regular communication and follow through can help the mentee learn how to be a good mentee and make mentoring a rewarding experience for both mentor and mentee.
Feedback. As the mentee’s trusted guide, the mentor is in an optimal position to observe the mentee in a professional setting and provide feedback to assist the mentee in learning the expectations of the profession and the skills needed to serve others well and be successful in the profession. While giving feedback isn’t always comfortable or easy, the positive and lasting impact it can have on a mentee is worth the risk. Good feedback is:

Timely. Mentors are encouraged to take the opportunity when a “teachable moment” arises. The timing should take into account the mentee’s ability to listen and receive it and the mentor’s ability to know what to say.

Honest. Mentees deserve feedback (both positive and negative), and do not benefit from false praise or receiving a “pass” on professional obligations.

Encouraging. Feedback should be given in private, respectfully, and with kindness and an appreciation for the feelings of the mentee.

Focused. The mentor’s feedback should focus on the mentee’s skills and competencies, and should be based on the mentor’s observations, experience, and knowledge.

Balanced. Acknowledge the mentee’s strengths and successes alongside opportunities for growth. Highlight the mentee’s skills that are well-developed, as well as those less that are less developed.

Without Judgment. Focus on guiding or teaching the mentee rather than naming or attributing a reason for the conduct. A mentee who is not making regular contact with the mentor or managing obligations in an effective manner isn’t necessarily showing a lack of commitment. Be open to the opportunity to better understand the mentee.

Constructive. In addition to feedback, mentors are encouraged to give advice, share ideas, and offer opportunities for mentees to develop a skill or address a concern.

The Mentor Director is a resource for mentors who wish to provide feedback to mentees. Mentors are encouraged to share observations or concerns regarding the mentee that can be used to provide feedback or assist the mentee.
Activities for Mentors

Mentors are an integral part of the University of St. Thomas School of Law community, and we invite their participation in its activities. Please contact the Mentor Director with any questions on how to take advantage of these opportunities.

Mentor Educational Programs. The Mentor Externship Program offers an annual CLE program on the ethics of mentoring which qualifies for two hours of Ethics 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 both a “save the date” and an invitation closer to the event.

Continuing Legal Education programs offered by the University of St. Thomas School of Law, Holloran Center, the ProLife Center, the Murphy Institute, and University of St. Thomas School of 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 University of St. Thomas School of Law Community.

Details of these programs and events are posted on our website at: http://www.stthomas.edu/law/students/mentorexternship

Mentor Program Contributions. Mentor contributions to the program are also 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 Mentor 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 “Experiences” and “Debriefing Template” sections for examples).
MENTOR-MENTEE PERSONAL CONDUCT STANDARDS

The mentor-mentee relationship is a mutually beneficial relationship in which an experienced lawyer or judge supports the professional formation of a law student by modeling professional behavior, providing experiences in the field, and providing the mentee guidance in their journey to the profession. Through the relationship, the mentee learns what it means to be a lawyer through engaging in learning opportunities with the mentor, asking questions, listening, and sharing ideas with the mentor. This professional relationship requires a high level of trust and mutual respect.

Managing Differences in the Relationship. Our mentors are paired with students based on student interests, background, areas of study, and other factors. While mentors and mentees all share the critical experience of attending law school and are likely to have much else in common, no mentor and mentee will have the same shared experiences. Additionally, mentors and mentees are commonly from different generations, and may not share the same ethnicity, race, gender, or nationality.

Communication is key. Because misunderstandings commonly occur between people of different generations, it is important for the mentor and mentee to talk about their assumptions and values to avoid misunderstanding. Similarly, if the mentor and mentee are of different ethnicity, race, gender, or nationality, both should consider their cultural assumptions and values and discuss them to better understand one another and avoid miscommunication. Each should strive to respect the other’s perspective, even if it different than their own.

Observing Professional Boundaries. The range of activities that mentors and mentees can engage in is broadly defined to allow for optimum flexibility in meeting the professional development needs of the mentee and the mentoring style of the mentor. Mentoring can occur in many settings and across many activities. Examples:

Mentors and mentees may meet for debriefings in the mentor’s office, a coffee shop, a restaurant, or at the law school. In addition to observing and doing legal work, experiences commonly include attending bar association, educational, and other professional functions in addition to experiences together.

Mentors might invite their mentees to holiday dinners with their families, or the mentor and mentee might attend an exercise class, a charity golf event, or have lunch. Mentor activities commonly happen during the business day, but might also occur after work or on a weekend.

Any setting is appropriate as long as it is in keeping with a professional relationship and is comfortable for both the mentor and mentee.
Comfort is key. In any relationship, the individuals involved must communicate about their boundaries of what is and what is not comfortable. It is particularly important, given the inherent imbalance of power given the mentor’s enhanced experience, knowledge, professional status, and collegial network, that the mentee feel comfortable. Both mentor and mentee should communicate with the other regarding their personal boundaries, and should communicate discomfort or a crossed boundary to the other.

While personal boundaries can differ, mentors and mentees are expected to observe the following boundaries:

- **Personal space.** Do not cross into the mentee or mentor’s personal space without permission.
- **Personal matters.** Do not ask overly personal questions or discuss personal matters that may be embarrassing or uncomfortable for the other person.
- **Personal Settings.** Do not meet alone in an intimate setting.

**Non-Discrimination.** The University of St. Thomas is committed to the principles of equal educational opportunity and non-discrimination on the basis of race, color, creed, religion, national origin, sex, sexual orientation, family status, disability, age, marital status, status with regard to public assistance, membership or activity in a local commission, genetic information, or any other characteristic protected by applicable law.²⁰

Further, the Mentor Externship Program is committed to providing an inclusive, welcoming, and safe environment for our mentors and our students. Consequently, the following conduct is prohibited:

- **Intimate conduct or sexual relationships between a mentor and mentee**
- **Discrimination on the basis of sex,** which includes sexual harassment (unwelcome advances of a sexual nature) and sexual violence
- **Discrimination on the basis of race,** color, creed, religion, national origin, sexual orientation, family status, disability, age, marital status, status with regard to

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²⁰ The Minnesota Rules of Professional Conduct prohibits unlawful harassment in connection with the lawyer’s professional activities (which includes mentoring) as well as discriminatory acts prohibited by federal, state, or local statute that reflects adversely on the lawyer’s fitness as a lawyer. (See Minn. R. P. Conduct 8.4(g)(h)).
public assistance, membership or activity in a local commission, genetic information, or any other characteristic protected by applicable law

The Mentor Director is a resource for mentors and mentees to help manage communication, provide boundary guidance, or to address difficulties or concerns that arise. The University also has established contacts regarding its sexual misconduct and anti-discrimination policies which can be accessed using the links below.

Resources:

St. Thomas’ Sexual Misconduct Policy (click on link or visit https://www.stthomas.edu/title-ix/sexualmisconduct/)

St. Thomas’ Equal Opportunity Statement and Notice of Discrimination. Click on this link or search “Equal Opportunity Statement” from the University’s website www.stthomas.edu


CONFIDENTIALITY, ATTORNEY-CLIENT PRIVILEGE, AND AVOIDING CONFLICTS OF INTEREST

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, such as 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.

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21 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.mncourts.gov/mncourtsgov/media/AdministrativeFileArchive/Student%20Practice%20Rules%20ADM09-8002/2009-01-29-Petition-Student-Prac-Rls.pdf
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 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.22

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.23 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.24 Rule 3 will assure that these opportunities are available to students in a professional and supervised setting.

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22 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); Schabakgel 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).

23 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.)

Rule 3 also provides an opportunity to improve legal education. According to the MacCrate Report, law students are widely perceived to be incapable of performing some of the essential functions of the profession upon their graduation from law school. Like the MacCrate Report, the Carnegie Report 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 University of St. Thomas School of 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;

26 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.

Minnesota Rules of Professional Conduct (2016)
Sample Confidentiality Agreement

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. Law students are not otherwise expressly governed by the Rules. However, Student Observation Rule 3 compels a law student who is employed or who has a paid or unpaid externship or internship with a legal employer 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. This creates 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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28 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 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. That way, 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 about the work the mentor does, and the student’s employment, volunteer legal activities, clinic, or previous client activities the student has been involved in with prior mentors. 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 reduced 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.
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

Purpose of Logging Fieldwork

Students record their fieldwork events as they occur in Mentor Log, 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 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 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
- **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.

**Chris Wheaton** – cswheaton@stthomas.edu – Adjunct Professor. Chris reviews student submissions and provides professional development feedback and context in Mentor Log.

**Judith Rush** - jmrush@stthomas.edu – Director of Mentor Externship. Judie reviews student submissions and provides feedback in Mentor Log. 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 ensures that entries meet minimum requirements by requiring dates\(^{29}\), 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 see “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.

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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.
- **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 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. Students should regularly check their entries in Mentor Log 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 Event Descriptions**

**Mentor Log’s fieldwork event categories are as follows:**

**Orientation**

This event category is used to log attendance at the required orientation at the beginning of 1L or LL.M. year. Students log the date, the amount of time spent in orientation, and provide a brief description.

**PPDP Meeting**

This event category is used to log the time spent by a student: 1) preparing to meet his or her mentor for the first time and preparing the draft PPDP form 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, 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 discussed with the mentor, 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 and “PPDP Guidance”)

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Point of Contact

This event category is used to log brief contacts with the mentor, 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 yet are critical to maintaining the relationship with the mentor. It is important to record them to receive credit for the time and to show the student’s regular 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 simulates billing and time tracking practices commonly used in the profession. Because it tracks 15-minute increments, students 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, can accumulate the time for an exchange of emails or calls, or may log 0 minutes if he or she thinks it is more reasonable to do so.

Experience

This event category is used to log the discrete events that allow students to observe or engage in the professional work or activities of lawyers and judges. Students receive credit for the following types of experiences:

**Identified experiences** – these pre-approved experiences are common events in the legal community (bar association, continuing education, and other programming) and in specific legal or practice areas that correspond with the law school curriculum. Students commonly engage in these experiences with their mentors but they may also engage in them in the presence of other lawyers or judges. First year students are encouraged to focus on experiences that augment the required curriculum and that introduce them to the practice of law, the administration of justice, and the life of the lawyer or judge. (An index with internal links to the more than 500 identified experiences is available at the “Experiences” tab)

**Wild card experiences** – these are distinct lawyering tasks or activities that a mentor wishes to expose their student to, which are not identified experiences. 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. Students engage in these activities in the presence of or under the supervision of their mentors.

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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.
**Director approved experiences** – these are experiences, which are not identified experiences but meet the standards of the program, for which students have requested and received advance approval from the director. These experiences allow a student to pursue his or her own professional development path. Students engage in these activities in the presence or under the supervision of a lawyer or judge other than their mentors. In addition, the Director may from time to time approve and announce via Canvas announcement director approved experiences that do not fit into the other categories but meet program objectives.

**Minimum Logging Requirements.** The experience entry is logged using complete sentences and carefully proofread. In addition, it must 1) identify whether the mentor or another lawyer or judge was present; 2) describe the experience in sufficient detail; and 3) reflect 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. Director approved experiences must identify when and how director approval was received.

**Experiences with Lawyers or Judges other than the Mentor.** Students may engage in experiences other than “wild card” or identified experiences expressly requiring mentor presence with a lawyer or judge. The lawyer or judge may not be University of St. Thomas faculty or staff unless approved by the Director.

**Finding the Correct Experiences.** Students can search by terms in Mentor Log for experiences and experiences topics or types. Students may also consult the experiences list (See “Experiences List” tab) to assist them in properly identifying their experiences.

**Determining whether an Experience is “Distinct.”** Students complete 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 are 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 or a different 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 is unable to distinguish between events that have the same event type so the student’s Mentor Log 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 can be treated as 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 asks a student to draft a document, conduct research, or engage in other supervised activity. For purposes of a point of contact, the mentor or mentor’s staff is present so long as the communication is with or directed to them.

Debrief

This event category is used to record in person conversations with the mentor. A debrief is either: 1) a discussion 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 topics of conversation 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.

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.
Networking

This event category is used to record in person 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 three hours (1L), and five hours (2L/3L) 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.

Year-End Mentor Meeting

This event 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 completed 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) No time is logged for this meeting since it occurs after all fieldwork requirements have been logged and approved.

*Note:* 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.
MENTOR EXTERNSHIP COURSEWORK

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

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 to the Profession 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 form professional relationships, meet his or her professional goals, utilizing his or her strengths to 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.
Communicating Across Cultures explores how cultural competency and an appreciation of the impact of implicit bias foster development of relational skills 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 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 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.
**Third Year Course: Mentor Externship II (Law 933)**

**Class Topics and Activities**

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 Those you will Serve** 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 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.

**Delivering Excellent Service** 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.
LL.M. in U.S Law: Mentor Externship (Laws 932)
Class Description

The U.S. Law LL.M. 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 LL.M. student in his or her self-directed professional journey throughout the LL.M. year of study. The course meets once a week throughout the year. The course is co-taught by Dean Nichols and Dean Brabbit. Key components of the course include

1) feedback and guidance from Dean Nichols, 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. LL.M. fieldwork includes a PPDP meeting, two or more debriefings with the mentor, four distinct experiences, and a year-end meeting.
2018-19 FACULTY MENTORS

Tara Anderson (2L)
TJA Business Law

Honorable Toddrick Barnette (3L)
Hennepin County District Court

Amanda Bloomgren (3L)
Bloomgren Hanson Legal

Adam Brown (2L)
UST School of Law

Hon. Michael Browne (3L)
Hennepin County District Court

Santo Cruz (2L)
Minnesota Department of Human Services

Molly Eiden
Minnesota Lawyers Mutual

Cedrick Frazier
Education Minnesota

Christopher Grgurich
Ballard Spahr

Monica Gould (3L)
UST School of Law

Neil Hamilton (2L)
UST School of Law

Athena Hollins (2L)
Minnesota State Bar Association

Bryan Huffman (3L)
Prime Therapeutics

Sam Johnson (2L)
Skolnick & Joyce, P.A.

Barb Jones (2L)
Minnesota Lawyer

Nicole Kettwick (3L)
Brandt Criminal Defense

Dennis Monroe (2L)
Monroe Moxness Berg

Toni Newborn (2L)
City of St. Paul

Kate Norris
The Emily Program

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

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<td>Bowman &amp; Brooke, LLP</td>
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<td>Becky Ribich (2L)</td>
<td>Brekke, Clyborne &amp; Ribich, LLC</td>
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MENTOR EXTERNSHIP PROGRAM STAFF CONTACTS

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PERSONAL AND PROFESSIONAL DEVELOPMENT PLAN (PPDP) GUIDANCE

The Personal and Professional Development Plan (PPDP) is your written plan for learning and developing your professional identity as a lawyer.

You will complete the PPDP form in Mentor Log. Beforehand, you will need to prepare by drafting a mission statement, identifying experiences you would like to do from the suggested experience list, topics you would like to discuss, and skills you would like to develop.

Drafting Your 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.”

While the mentor-mentee relationship and fieldwork provide the framework for this professional growth, this is ultimately your personal, self-directed journey. This journey begins with reflection on your first principles, core values, and overarching 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 within it, you can refine or modify your personal mission.

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

1. What is your purpose and why did you come to law school?
2. How are you living your purpose? (Your current nature, habits, involvements, and activities that make you who you are)

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3. What principles or beliefs guide you on a day-to-day basis? (Your core values or principles)

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

5. How will you take responsibility for meeting your professional ethical responsibilities?

Your personal mission statement should:

- 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

Example 1:

I am an optimist and enjoy everything life offers me. I have the ability to choose to be happy. I want to 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 want to 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.

Example 2:

I am committed to the preservation and further understanding of the human dignity of every person through the legal profession. I will give special care to protect each person's conscience, the means by which God first speaks to the individual. I am committed to

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pursuing justice and maintain harmony in society and I am committed to aiding the most vulnerable in society especially those who cannot advocate on their own behalf.

I pledge 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:** 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.

**Responsibility:** To be on time, prepared, and receptive to learning all that I can from my mentor. To be a respectful and responsible professional in all interactions with my mentor.

**Current Involvement:** 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.

**Identifying Experiences**

Research your mentor to determine the mentor's area of the law and the work the mentor does. Then use the experience list to identify several experiences in those areas that you would like to do with your mentor. In addition, identify a few additional experiences on the list that you are interested in doing this year. (An index with internal links to the more than 500 identified experiences is available in the "Experiences List" section)

**Identifying Debrief Topics**

The PPDP meeting will be an opportunity to get to know each other, discuss your plan, and talk about various topics. Your future conversations will give you a chance to learn all you can from your mentor. Identify at least two topics to discuss (debrief) with your mentor during the year. These could be talking about a particular experience, another professional topic of interest, or one of the templates we have created. (An index and templates for debriefing are available in the “Debriefing Templates” section).

**Identifying Other Learning Objectives**

Your mentor relationship allows you to develop and demonstrate essential skills and competencies you will need as a lawyer. Think about what skills or competencies you
would like to develop, enhance, or get feedback on from your mentor. These can go in the note section of the PPDP.

**Draft the PPDP in Mentor Log**

After you have done the preparation, you are ready to draft the PPDP in Mentor Log. Be sure to save the draft and print it to bring to the PPDP meeting. After you have reviewed and discussed the draft document with your mentor, you will go back into Mentor Log, open the draft, make any changes, and finalize it. See the sample PPDP below for how these steps look. (For more about logging the PPDP, see the “Fieldwork Guide” section)

**SAMPLE PPDP**

**Personal Ethics Mission**

*Student identifies first principles, values and goals.*

I am here to learn how to make an impactful and consistent difference in the lives of others. I want to be profoundly competent, ethical, and fervent in ensuring the progression of human dignity and unalienable rights of all. In order to build a reputation that warrants the complete confidence and trust of my clients and the respect of my opponents, I will devote myself now to learning the procedures, principles, and framework of our legal system. To this end, I must consistently be a reputable and responsible student and mentee, always prepared and receptive to learning. My morals and values will guide me in carrying out my thoughts and actions every day.

**Debriefing Topics**

*Student and mentor identify a minimum of two (2) issues or topics to discuss during the year. Student and mentor can discuss: an experience, a template (see list of Templates for suggestions), or other agreed-upon professional topic.*

I would like to discuss immigration and children - specifically children arriving to the US with no adults. The organization my mentor works for has a department focusing on providing this assistance. I would like to view a trial in which a minor is represented and discuss it with my mentor afterward.

A more general topic for us to discuss would be the toll that nonprofit work takes on a home life experience. Finding work balance is something that has been expressed to us several times already in our short three weeks on campus, and hope to be able to investigate this and learn of other’s experiences, specifically my mentors, in order to truly grasps the concept of handing both a personal and professional life.
I would also like to discuss the "Grades and the Profession" template with my mentor.

**Additional Notes or Comments**

This is a blank text box for students to add additional comments or notes regarding the PPDP or meeting.

I would like to receive feedback on my writing from my mentor and learn all I can about the expectations of the profession.

**Experiences**

Select experiences that you’re interested in completing. Student and mentor identify a minimum of two (2) experiences to complete together.

- Attend a Deferred Action for Childhood Arrivals (DACA) hearing
- Attend a bar association meeting
- Attend a deportation hearing or trial
- Attend a naturalization ceremony
- Attend a potential or existing client meeting* (e.g., interview, fact gathering, or file review)
- Attend an Immigration Court Individual Hearing
- Attend the Mentor Appreciation Reception (1-hour maximum credit)
- Draft or review written advice to a client

**Draft PPDP language:**

Please select mentor(s):
- [ ] Ms. Elizabeth M. Forsythe

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<tr>
<td>Time at Event</td>
<td>Hours</td>
<td>Minutes</td>
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</table>

Please Note: Save and print a draft to review and complete with your mentor at the PPDP meeting. After the meeting, you will need to open the PPDP event from the “Events” screen, make any changes you and your mentor discussed, and click “finalize.”

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Final PPDP language (done after reviewing and discussing the PPDP draft with the mentor)

Please select mentor(s):

☑ Mr. Howard S. (Sam) Myers, III

<table>
<thead>
<tr>
<th>Activity</th>
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<td>Travel Time</td>
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<td>Time at Event</td>
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</tbody>
</table>

Note: Only complete this certification after you meet with your mentor and finalize your PPDP. Read the certifications carefully, and do not make any certification that is not true. (See Standards of Conduct under “Student Professional Responsibilities” tab)
EXPERIENCES

Mentor Externship experiences are discrete events that allow students to observe or engage in the professional work and activities of lawyers and judges. Students receive credit for identified experiences, other experiences with their mentors, and experiences for which they seek and receive approval. (See Experience description under “Fieldwork” tab)

Index

Director Approved Experiences

Identified Experiences in the Legal Community

Identified Experiences Related to Law Curriculum and Associated Legal or Practice Areas

Administrative Law (social security, human services, licensing)
Alternative Dispute Resolution/Arbitration/Mediation
Antitrust (trade regulation)
Banking Law
Bankruptcy
Business Associations/Ethical Leadership in Corporate Practice/Corporate Governance/Non-Profits (business, corporate, non-profit, in-house)
(business, corporate, non-profit, in-house)
Canon Law
Child Protection
Civil Procedure/Electronic Discovery/Complex Litigation/Federal Jurisdiction (litigation)
Civil Rights/Community Justice/Commutations/Disability Law/Human Rights/Public Interest
Client Interviewing and Counseling
Compliance/Organizational Ethics and Compliance/Ethical Culture/Risk Management
Contracts/UCC/Sales (contract, franchise, sports, entertainment, art, business & commercial transactions)
Credit and Payment Devices/Payment Systems/Consumer Law (collection, debtor rights, creditor rights)
Criminal Law/Criminal Procedure/White Collar Crime/Misdemeanor Defense/Federal Commutations/Sentencing (prosecution, defense, law enforcement)
Education Law
Elder Law
Employment Law/Employment Discrimination
Energy Law (public utilities, regulated industries)
Environmental Law
Estates and Trusts/Estate Planning/Federal Estate & Gift Tax (probate, guardianship, conservatorship)
Family Law/Adoption/Domestic Abuse
Federal Income Taxation, State & Local Tax, Taxation of Business Enterprises
Finance and Securities/Broker Dealer Regulation/Corporate Finance/International Finance (financial services)
Health Law
Immigration
Insurance Law (commercial litigation, business transactions)
Intellectual Property/Copyright/Patent Law
Jurisprudence and the Work of a Judge (judges, court personnel)
Juvenile Law
Labor Law
Law Firm Practice/Small Firm Practice/Accounting for Lawyers/ Business Planning
Lawyering Skills/Advanced Legal Research (appellate, motion practice)
Legislation (lobbying, legislative)
Mergers & Acquisitions
Military Law (JAG, veteran rights)
Native American Law
Negotiations
Poverty Law (pro bono, pro se, legal aid, public interest)
Professional Responsibility (discipline, attorney malpractice)
Property/Real Estate Development/Land Use (real estate, housing, zoning, planning & land use)
Securities Regulation
State and Local Government (commitments, municipal law, government contracts)
Torts (personal injury, medical malpractice, products liability)
Trial Advocacy/ Evidence (litigation)
Workers’ Compensation

Wild Card Experiences

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DIRECTOR APPROVED EXPERIENCE

Engage in any experience with or under the supervision of a lawyer or judge who is not your mentor for which you have received approval in advance from the director.

IDENTIFIED EXPERIENCES IN THE LEGAL COMMUNITY

Attend a bar association meeting

Attend a continuing legal education (CLE) program with your mentor

Attend a continuing legal education (CLE) program without your mentor (2-hour maximum credit per year for CLEs not attended with the student’s mentor)

Attend a judicial, legislative or executive taskforce or other government created advisory group

Attend an Inn of Court meeting at the invitation of your mentor or another attorney or judge

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

Draft materials for a continuing legal education (CLE) program

IDENTIFIED EXPERIENCES CORRESPONDING TO THE LAW CURRICULUM AND ASSOCIATED LEGAL OR PRACTICE AREAS

Administrative Law (social security, human services, licensing)

Attend a contested case before an administrative law judge

Attend a formal adjudication before an administrative law judge

Attend a meeting regarding a proposed rule change

Attend a rulemaking hearing before an administrative law judge

Attend a settlement conference before an administrative law judge

Attend an administrative hearing before a commissioner’s representative

Draft or review a proposed rule change

Research a proposed rule
Alternative Dispute Resolution / Arbitration / Mediation

Attend a mediation
Attend a summary jury trial
Attend an arbitration
Draft a confidential memo or letter to a mediator in preparation for a mediation
Review or compile evidentiary documents for an arbitration
Review or compile non-evidentiary materials for arbitration.

Antitrust Law (trade regulation)

Attend an antitrust training of a group of employees
Review a complaint alleging a Sherman Act violation
Review a proposed merger for antitrust issues
Review a NCRPA notification
Review an issue involving an antitrust law such as price fixing or discrimination
Review antitrust compliance program documentation

Banking Law

Attend a tour of the Federal Reserve
Draft or review a credit agreement
Draft or review a credit summary
Draft or review an opinion or pre-authorization from the Federal Reserve
Review the Community Reinvestment Act and its impact on financial compliance
Review the consumer protection process of the FDIC
Review the risk examination process of the FDIC

Bankruptcy

Attend a Chapter 11 plan confirmation
Attend a Chapter 13 plan hearing

Attend a first meeting of creditors.

Attend a meeting between a debtor and a trustee

Attend a motion for relief from an automatic stay

Attend a valuation hearing in Chapter 13 proceedings

Draft or amend a petition to schedule a bench hearing

Business Associations/Ethical Leadership in Corporate Practice/Corporate Governance/Non-Profits (business, corporate, non-profit, in-house)

Assist in or strategize concerning the work of an internal audit or ethics investigation

Attend a corporate board meeting

Attend a corporate strategy meeting

Attend a corporate “Town Hall”

Attend a meeting between corporate counsel

Attend a meeting of a community foundation

Attend a partnership meeting

Attend a shareholder dispute hearing

Attend a shareholder meeting

Draft or review a consulting agreement

Draft or review a corporate benefit plan

Draft or review a corporate employee handbook

Draft or review a grant application for a non-profit organization

Draft or review a written action for a board resolution

Draft or review an acquisition agreement

Draft or review business formation documents for a new business entity

Draft or review corporate ethics training materials
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.)

Participate in an **enterprise risk management assignment** such as risk ranking and assessment, evaluating risk mitigation plans, etc.

Review a business **code of ethics or code of conduct of a corporation**

Review a **compliance report submitted to a government agency**

Review a **corporate channel partner or distribution agreement**

Review a **corporate supply agreement** being negotiated

Review a **corporation’s product warranties**

Review **corporate marketing literature**

Review **license or intellectual patent development agreements or patent assessments**

Research material in connection with a **grant application** for a non-profit organization

Review or conduct an **insurance policy audit**

Review **regulatory compliance issues, strategies or practices**

**Canon Law**

Attend a **meeting involving formulating grounds for annulment**

Attend a **tribunal hearing in the annulment process**

Attend an **initial meeting in the annulment process**

Review a decision by a **canonical tribunal**

**Child Protection**

Attend a **child in need of protection or services (CHIPS) trial**

Attend a **child protection admit-deny or pretrial hearing**

Attend a **child protection hearing involving the Indian Child Welfare Act (ICWA)**

Attend a **permanency progress review hearing (PPR) hearing**
Attend a **meeting with a guardian ad litem**

Attend a **permanency trial (termination of parental rights or transfer of custody)**

Attend a **post-permanency review hearing**

Attend an **emergency protective care hearing**

Attend an **evidentiary hearing in a child protection matter**

Attend an **intermediate dispositional review hearing**

Review a **child in need of protection or services (CHIPS) petition**

Review a **child protection case plan**

Review a **permanency petition**

**Civil Procedure/Electronic Discovery/Complex Litigation/Federal Jurisdiction**

Attend a **conciliation or small claims court matter**

Attend a **court supervised settlement conference**

Attend a **deposition**

Attend a **discovery motion** (e.g., motion to compel production of documents; motion to compel answer to interrogatories)

Attend a hearing seeking a **temporary restraining order or injunction**

Attend a hearing for **default judgment**

Attend a **motion for J.N.O.V. or new trial**

Attend a **motion for summary judgment**

Attend a **motion to dismiss**

Attend a **motion to vacate a default judgment**

Attend a **non-dispositive civil motion** other than a discovery motion

Attend a **preparation of a client** for a deposition
Attend a **pretrial conference**

Attend a **pretrial motion**

Attend a **scheduling, discovery or status conference**

Attend a **settlement hearing involving a minor**

Draft or review a **memorandum for summary judgment**

Draft or review a **notice of motion and motion**

Draft or review a request for, or response to, **discovery** (e.g., interrogatories, production of documents, etc.)

Draft or review **a summons and complaint and an answer**

Draft or review an **affidavit**

Observe or assist in the **electronic filing** of a federal claim

Observe or assist in the **service of a subpoena**

**Civil Rights/Community Justice/Commutations/Disability Law/Human Rights/Public Interest**

Attend a **civil rights hearing**

Attend an **intake interview at a civil rights agency**

Attend a meeting of a **civil rights commission** or other **governmental organization**

Draft or review a **civil rights complaint**

Draft or review an **EEOC / MDHR charge of discrimination**

Investigate a **civil rights complaint**

**Client Interviewing and Counseling**

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

Attend a **meeting to prepare a client** for a proceeding or other matter.

Attend a **meeting with support staff** to review and evaluate a client matter
Attend a potential or existing client meeting* (e.g., interview, fact gathering, or file review)

Draft or review a client invoice

Draft or review a retention letter or retention agreement

Draft or review written advice to a client

Compliance/Organizational Ethics and Compliance/Ethical Culture/Risk Management

Attend a code of conduct training event

Assemble a data map for data held in the course of business

Attend a regulatory audit

Attend a SOC (1,2 or 3) audit and review findings or attestation

Audit an existing vendor for compliance with contractual information protection provisions

Audit for PC-DSS compliance

Audit ISO policies or HIPAA manual and procedures

Draft or review a code of conduct

Draft or review a compliance program

Draft or review a Form ADV filing

Draft or review a HIPAA business associate agreement

Draft or review a HIPAA manual

Draft or review ISO 27001 ISMS policies

Draft or review a privacy program

Draft or review a vendor management/due diligence policy

Draft or review a vendor management/due diligence questionnaire

Draft or review a website privacy policy
Draft or review an information security addendum for vendors

Draft or review model contract clauses for US-EU data transfers

Inventory open source software components

Outline and audit PCI-DSS requirements for an organization

Participate in an investigation regarding code of conduct or compliance issues

Perform a gap analysis on existing policy programs

Register with an EU data protection authority (DPA) to facilitate international data transfers

Review effectiveness measurements

Review FTC enforce action on EU data processing issue

Review hotline statistics

Review the “Volker Rule” provision of the Dodd-Frank Act and its impact on financial compliance

Contracts/UCC/Sales (contract, franchise, sports, entertainment, art, business & commercial transactions)

Draft or review a contract

Draft or review a contract for the sale of goods

Draft or review a warranty disclaimer

Draft or review litigation documents concerning a disputed contract provision

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

Review the backside terms and conditions of a company’s purchase order

Credit and Payment Devices/Payment Systems/Consumer Law (collection, debtor rights, creditor rights)

Attend a hearing in a garnishment proceeding

Attend an administrative wage garnishment proceeding in a student loan case
Draft or review a complaint or answer in a debt collection matter

Draft or review a consumer rights complaint (FDCPA, FCRA, TCPA, CROA)

Draft or review an answer to a consumer rights complaint (FDCPA, FCRA, TCPA, CROA)

Review collection notes provided in discovery of a consumer claim

Review the Department of Education Student Loan Collection Manual

Review the garnishment process

Review the process for docketing a judgment and options for enforcement

Review types of payment systems a corporation uses in transacting its business

Criminal Law/White Collar Crime/Misdemeanor Defense/Sentencing (prosecution, defense, law enforcement)

Attend a contested restitution hearing

Attend a criminal motion hearing

Attend a criminal pre-trial, omnibus hearing or probable cause hearing, contested or uncontested

Attend a drug court proceeding

Attend a DWI proceeding

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

Attend a grand jury proceeding

Attend a hearing on a harassment restraining order

Attend a hearing on a motion to expunge/seal

Attend a parole or probation revocation or parole violation hearing

Attend a plea hearing or allocution

Attend a restitution hearing

Attend a ride along with a police officer
Attend a **sentencing hearing**

Attend a **stipulated facts trial**

Attend a **victim impact hearing**

Attend an **implied consent hearing**

Attend **traffic court**

Draft or review a **criminal complaint**

Draft or review a **criminal motion**

Draft or review a **restitution motion and affidavit**

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

Research a **criminal motion**

Tour or inspect a **jail, prison, or juvenile detention center**

**Education Law**

Attend a conference between school officials and parents to **negotiate a change in policy**

Attend a **conference to negotiate special accommodations** for a special needs child

Attend a court **hearing to repeal a suspension or expulsion**

Attend a **school board meeting**

**Elder Law**

Attend a **care plan conference**

Draft or review a **letter to a nursing home or assisted living center administrator regarding a dispute or care concern**

Draft or review a plan for a client’s **medical assistance spend down**

Draft or review an **application for medical assistance**
Employment Law/Employment Discrimination

- Attend a *Loudermill* hearing
- Attend a veterans preference hearing
- Attend an unemployment compensation hearing
- Draft or review a covenant not to compete
- Draft or review a severance agreement
- Draft or review an employee manual
- Draft or review an employment agreement
- Review a non-disclosure agreement being negotiated
- Review an employer’s defense indemnification policy

Energy Law (public utilities, regulated industries)

- Attend a hearing or trial involving a *qui tam whistleblower under federal or state false claims act* regarding energy contract
- Attend an energy fraud and false claim hearing
- Participate in the investigation of energy research grant fraud
- Review a government contract with a private company for management of energy resources

Environmental Law

- Attend a government enforcement action claim
- Attend litigation for a private right of action claim
- Draft or review a proposed environmental regulation
- Draft or review an environmental permit
Review a **domestic environmental regulation statute**

Review an **international environmental regulation, statute, or treaty**

**Estates & Trusts/Estate Planning/Federal Estate & Gift Tax (probate, guardianship, conservatorship)**

Attend a **conservatorship hearing**

Attend a **contested probate hearing**

Attend a **guardianship hearing**

Attend a hearing on a **final accounting**

Attend a hearing on a report of an **adult guardianship**

Attend a hearing to appoint a **personal representative**

Attend a meeting related to **trust funding**

Attend a **will signing**

Attend an **initial client conference** with a new client beginning the **estate planning process**

Draft or review a **basic or simple will**

Review a **client’s comprehensive estate plan**

Draft or review a **durable power of attorney**

Draft or review a **follow-up letter of instruction** after will signing

Draft or review a **healthcare directive**

Draft or review a petition to appoint **guardian**

Draft or review a **revocable living trust**

Draft or review a **revocable trust funding letter**

Draft or review a **transfer on death deed, a deed reserving a life estate, or other real estate deed to effect an estate plan**

Draft or review a **will with a testamentary trust**
Draft or review an annual report or accounting

Draft or review beneficiary designations of financial assets

Draft or review documents to establish a family LLC

Draft or review documents transferring property from probate

Draft or review documents transferring property to trust

Review portability in the estate planning process

Review an estate planning technique (e.g., GRAT, CRUT, ILIT, SLAT, FLIP-CRUT)

Review QTIP provisions and benefits of QTIP trusts

**Family Law/Adoption/Domestic Abuse**

Attend a case management conference

Attend a child support hearing in the administrative child support process

Attend a collaborative family law process

Attend a family court contempt hearing

Attend a final hearing in a stipulated dissolution proceeding

Attend a financial early neutral conference

Attend a hearing for an order for protection

Attend a meeting with a custody evaluator

Attend a meeting with a guardian ad litem

Attend a meeting with a parenting consultant

Attend a meeting with a parenting time expeditor

Attend a moderated settlement conference

Attend a name change hearing

Attend a post decree motion

Attend a social early neutral conference
Attend a temporary hearing
Draft or review an antenuptial agreement
Draft or review a marital termination agreement
Draft or review a petition for dissolution of marriage
Draft or review a petition for adoption and supporting documents
Draft or review a petition to adjudicate paternity
Draft or review documents seeking an order for protection
Draft or review proposed or final findings of fact, conclusions of law, order for judgment, and judgment decree
Draft or review stipulated judgment and decree

Federal Income Taxation/State & Local Tax, Taxation of Business Enterprises
Draft or review a protest of an IRS determination
Draft or review a request for tax-exempt status under section 501(c)(3)
Review a Judgment and consider each of the federal and state tax consequences of the damage award from both the payer and the payee’s point of view
Review with a non-profit fundraising person how much of the solicitation involves a discussion of tax consequences

Finance and Securities / Broker Dealer Regulation / Corporate Finance / International Finance (financial services)
Draft or review a credit agreement
Draft or review a financing agreement
Draft or review a loan agreement
Draft or review a preferred stock purchase agreement
Draft or review a private company shareholder register
Draft or review an underwriting agreement
Health Law

Attend a **health care professional meeting** regarding legal and administrative procedures in relation to a particular **medical practice**

Attend a **health insurance denial appeal**

Attend a meeting between **hospital counsel** and group of **health care** employees

Attend a meeting where a lawyer advises an individual about the risk and rewards associated with purchasing different types of **health plans** under **MNsure**

Draft or review a **comment to the FDA** regarding a proposed rule for **medical devices**, **clinical trials** or **drug development**

Draft or review a comment to the **Federal Trade Commission** regarding anti-competitive behavior in the **health care marketplace**

Draft or review a comment to the **U.S. Department of Health and Human Services** regarding a proposed rule that implements a sections of the **Affordable Care Act**

Draft or review a client advisory that analyzes a judicial opinion and explains the foreseeable consequences for a particular sector of the **health care industry**

Draft or review a **HIPPA privacy notice** for a doctor’s office.

Draft or review a **managed care provider contract**

Draft or review an **EMTALA notice of rights and responsibilities**

Review an **FDA 510-K submission** on a medical device

Review how **anti-kickback regulations** impact health care compliance

Review how the **food and drug administration regulations** impact health care compliance

Review the purpose of a pharmacy and **Therapeutics Committee** and responsibilities of its members

Immigration

Attend a **cancellation of removal** hearing

Attend a **Deferred Action for Childhood Arrivals (DACA)** hearing

Attend a **deportation hearing or trial**
Attend a naturalization ceremony

Attend a pre-hearing client interview for detainee docket

Attend a tour of Customs and Border Patrol Operations (CBP)

Attend a USCIS liaison meeting between immigration officers and immigration attorneys

Attend a withholding of removal hearing

Attend an asylum hearing

Attend an Immigration Court Individual Hearing

Attend an Immigration Court Master Calendar Hearing (MASH)

Attend an “InfoPass” meeting

Attend an interview by immigration officer in a citizenship/naturalization, residency, asylum or other immigration proceeding

Draft or review a Cancellation of Removal Form EOIR-42

Draft or review an Employment Authorization Form I-765

Draft or review a Naturalization Form N-400

Draft or review an Adjustment of Status Form I-485

Draft or review an Advance Parole Form I-131

Draft or review an Application for Deferred Action for Childhood Arrivals (DACA) Form I-821

Draft or review an Asylum Application Form I-589

Draft or review an H2A Visa petition

Insurance Law (commercial litigation, business transactions)

Review an insurance appraisal

Review insurance coverage opinion

Review the process followed by a malpractice insurance carrier following the receipt of a claim
**Intellectual Property/Copyright/Patent Law**

*Copyright/Trademark:*

Attend a court proceeding where an artist asserts rights under the Visual Rights Acts (VARA)

Attend a meeting between in-house counsel for a corporation and its IP lawyers regarding infringement

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

Attend or assist in drafting a patent application

Complete a copyright registration form (literary- form TX, visual arts- form VA, performing arts- form PA, sound recordings- form SR, single serials- form SE)

Conduct a preliminary or comprehensive trademark search

Draft or review a complaint regarding infringing works posted on the internet pursuant to ICANN rules for intellectual property defensive registration challenge policy

Draft or review a museum’s policy for the restitution of looted art

Draft or review a petition to cancel a registered trademark

Draft or review a royalty agreement or royalty provision in an artist’s contract

Draft or review a trademark application for a sound mark

Draft or review a trademark application for a sound recording

Draft or review a trademark license agreement

Draft or review a work-made-for-hire contract

Draft or review an application for a government grant to fund an invention

Draft or review correspondence with the U.S. Copyright Office

Draft or review correspondence with the U.S. Patent and Trademark Office

Draft or review documents used in a domain name dispute pursuant to ICANN uniform domain dispute resolution policy
Draft or review a notice and opinion of potential refusal or acceptance of a trademark application

Draft or review a response to an Office Action issued by the U.S. Patent and Trademark Office

Draft or review an appeal of a trademark registration refusal to the Trademark Trial and Appeal Board

Draft or review an application for a government grant to fund an investment

Draft or review forms to be used in an ex-parte reexamination of a patent application

Draft, review or file a Section 8 affidavit of continuous use to maintain a registered trademark

Draft, review or file a Section 9 application for renewal of registered trademark

Inspect a product pending a patent

Prepare a depiction of the mark to be submitted with a trademark application (e.g. standard character drawing, special form drawing, color drawing)

Review a certificate of registration for a trademark

Research a collective provenance

Research or investigate an artist’s claims under the Visual Rights Act (VARA)

Review a database of looted art from WWII

Review a license agreement for some form of intellectual property

Review a museum’s provenance list

Review a notice of allowance

Review a prior art in order to provide an assessment of the patentability of an invention or process

Review a registered copyright certificate

Review a trademark application and the applicable history

Review a watch report for possible infringements with a trademark

Review compulsory license application for making and distributing phonorecords
Review proposed amendments to the **U.S. Copyright Act of 1976**

Review the **Digital Millennium Copyright Act**

Review the **U.S. Patent and Trademark Office Director’s annual report** to Congress

Review the **USPTO’s acceptable identification of goods and services manual**

**Patent:**

Attend a **Markmen** or **Claim Construction** hearing in a **patent infringement** suit

Draft or review a business plan to **fund an invention**

Draft or review a **patent protest under 37 CFR 1.291**

Draft or review a request to extend a **patent term**

Draft or review an **international patent application**

Draft or review forms to be used in an **ex parte reexamination of a patent application**

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

**Jurisprudence and the Work of a Judge** (**judges, court personnel**) 

Attend a **meeting between a judge and a judicial clerk or staff attorney**

Draft or review a **bench memorandum**

Draft or review a **judicial opinion**

Draft an **order for a judge**

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

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

**Juvenile Law**

Attend a **contested probable cause hearing** in juvenile court

Attend a **contested Rule 20 hearing** in juvenile court
Attend a delinquency court trial in Juvenile Court

Attend a detention hearing in Juvenile Court

Attend a disposition hearing in Juvenile court

Attend a family case planning conference for a juvenile held in detention

Attend a juvenile court pre-trial brain-storming session

Attend a meeting with a juvenile’s guardian ad litem

Attend a Juvenile Justice Council meeting

Attend a juvenile traffic court session

Attend a meeting with a juvenile probation officer

Attend a petty court trial in juvenile court

Attend a pre-hearing interview with a juvenile

Attend a probation violation hearing in Juvenile Court

Attend a truancy review hearing in juvenile court

Attend an adult certification hearing in Juvenile Court

Attend an initial appearance in Juvenile Court

Attend an initial client meeting between a child, his attorney, and his parents where the child’s rights, the child’s charges, and the juvenile court procedures are explained

Attend an intake/case planning conference at a juvenile placement facility

Review a petition and the associated reports for an adult certification hearing, and debrief with either a juvenile defense attorney or a juvenile prosecutor

Labor Law

Attend a civil service labor dispute

Attend a collective bargaining session

Attend a grievance proceeding
Attend a labor arbitration

Attend labor/management negotiations

Attend a union grievance arbitration

Attend a National Labor Relations Board Hearing

Review a National Labor Relations Board Decision

Law Firm Practice/Small Firm Practice/Accounting for Lawyers/ Business Planning

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

Attend a law firm marketing event

Attend a law firm practice group meeting or meeting between partners and/or associates

Attend a meeting of the partners of a firm

Review a small firm’s business plan

Review a small firm’s marketing plan

Review policies related to client confidentiality

Review the file management and file retention system of a law firm and the organizational structure of client files

Review the forms, process and procedures of an IOLTA trust account, maintaining records and books, filing taxes, and a firm’s business formation

Review the various administrative roles of a solo or small firm practitioner.

Lawyering Skills/Advanced Legal Research (motion practice, appellate)

Attend a County Law Library Board meeting

Attend an in-house practice for an appellate oral argument

Attend an appellate oral argument

Draft or review a petition for review

Draft or review an appellate brief
Draft or review preparation materials for an **appellate oral argument**

Research **administrative law materials**, government documents, or other court documents

Research and draft a **memorandum of law**

Research and draft an **internal office memorandum**

Research the **legislative history of** statute or regulation and **review how to interpret it**

Research published comments to a **proposed regulation** issued by a government agency (FDA, USDA, etc.)

Research **statutes or case law**

**Legislation (lobbying, legislative)**

Attend a **legislative activity**

Attend a **legislative** committee hearing or floor debate

Attend a **lobbying activity**

Draft or review **proposed legislation**

**Mergers & Acquisitions**

Draft or review a **disclosure schedule** on the buyer or seller side

Draft or review a “**Materiality Scrape**” within a purchase agreement

Review a **certificate of merger**

Review a **due diligence memorandum**

Review a **merger agreement**

Review a senior or junior **credit agreement**

Review a **subordination and intercreditor agreement**

Review an **ancillary M&A document** (e.g., consulting agreement, escrow agreement, employment agreement, non-compete agreement, etc.)

Review an **asset or stock purchase agreement**
Review disclosure provisions of a corporate purchase agreement

Review representations and warranties section of a purchase agreement and the corresponding disclosure schedule

Review seller contracts in an asset sale to determine if consent to assignment is required

Review strategy for or participate in acquisition due diligence

Review the process for the purchase price calculation of a merger and acquisition transaction

**Military Law (JAG, veteran rights)**

- Attend a military board
- Attend a military trial
- Attend a veteran’s court proceeding
- Attend a veteran’s court staffing meeting
- Review the Uniform Code of Military Justice

**Native American Law**

- Attend a gaming commission meeting
- Attend a trial or hearing in Tribal Court
- Draft or review an application for tribal membership

**Negotiations**

- Attend a negotiation,* (i.e., a discussion with the opposing party or counsel regarding resolution of issues that work towards resolution)

**Poverty Law (pro bono, pro se, legal aid, public interest)**

- Attend a legal services board meeting
- Attend a matter involving a pro se or unrepresented party
- Attend or participate in a Pro Bono matter
- Observe or assist in the client screening process of a legal services organization
**Professional Responsibility** *(discipline, attorney malpractice)*

Attend a **reinstatement or disciplinary hearing** before a Lawyers Professional Responsibility Board panel or referee

Attend an appellate oral argument before the Minnesota Supreme Court in an **attorney discipline case**

Review a **complaint against a lawyer** alleging professional liability

Review a **disciplinary complaint** against a lawyer

Review an **expert affidavit** in a professional liability matter

**Property/Real Estate Development/ Land Use** *(real estate, housing, zoning, planning & land use)*

Attend a closing on a **bond issuance**

Attend a **commercial real estate closing**

Attend a hearing in a **condemnation case**

Attend a hearing regarding a **real property dispute**, such as an unlawful detainer action or partition action

Attend a **homeowner’s association** meeting

Attend a **housing court** proceeding

Attend a **land-use planning appeal**

Attend a **land-use planning** or zoning commission meeting

Attend a **public housing grievance hearing**

Attend a **residential real estate closing**

Draft or review a **commercial lease**

Draft or review a **commercial purchase agreement**

Draft or review a **contract for deed/purchase agreement**

Draft or review a **quit claim deed or warranty deed**

Draft or review a **residential lease**
Draft or review a **residential purchase agreement**

Draft or review a **title insurance commitment/policy**

Draft or review a **title opinion**

Draft or review an **association lien notice**

Draft or review an **easement agreement**

Draft or review **declaration/bylaws for a homeowner’s association**

Draft or review documents creating a **limited liability company to hold real estate**

Draft or review documents creating a town home or condo **homeowner’s association**

Draft or review **seller’s or buyer’s closing documents**

Observe or assist in a **title search**

Observe or participate in a **tract, title, or judgment search** at the County Recorder’s office

Review a condemnation case or reverse condemnation case and evaluate whether there is a taking

Review a **title commitment**

Review an **abstract of title**

Review and participate in the process of a **foreclose of a mortgage by advertisement**

Review and participate in the process of **foreclosure of an association lien**

**Securities Regulation**

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

Draft or review a **Form D filing**

Draft or review a **No Action Letter** to the SEC

Draft or review a **proxy solicitation** for a shareholders’ meeting
Observe or assist in the determination of whether **private stock issuance** is exempt from registration

Review a **public company stock registration statement**

**State and Local Government** *(commitments, municipal law, government contracts)*

Attend a **city council meeting**

Attend a **civil commitment** hearing

Attend a **county board meeting**

Attend a **metropolitan council meeting**

Attend a **pre-petition screening medical exam** in connection with a civil commitment proceeding

Attend a **public hearing** for state or local government

Draft or review a **joint power agreement**

**Torts** *(personal injury, medical malpractice, products liability)*

Attend a **case evaluation panel** on a torts case organized through the Minnesota Association for Justice or Minnesota Defense Lawyers Association

Attend a **jury focus group** to prepare case strategies and themes for trial

Draft or review a **confidential settlement agreement**

Draft or review a **demand letter** to a defendant / insurance carrier / or a written settlement offer to a plaintiff

Review the **medical records** of an injured party and/or prepare a medical summary

Review a **release of liability** and **assumption risk**

Visit the scene of a **disputed torts incident** *(site inspection)*

**Trial Advocacy/Evidence** *(litigation)*

Attend a **closing argument**

Attend a **cross-examination** of a witness at trial

Attend a **direct examination** of a witness at trial
Attend a jury instruction conference

Attend a lay witness meeting

Attend a motion for directed verdict

Attend a motion in limine

Attend a voir dire (jury selection)

Attend an expert witness meeting

Attend an in-house mock jury trial conducted by a lawyer in preparation for trial

Attend an opening statement

Attend any meeting between opposing counsel or opposing parties

Attend any meeting between the trial judge and trial counsel during the course of a trial

Attend arguments regarding evidentiary objections raised at trial

Create or review a trial notebook

Draft or review a special verdict form

Draft or review a trial memorandum

Draft or review jury instructions

Draft or review motions in limine for a trial

Draft or review questions for voir dire

Draft or review witness or exhibit lists

Review a complete deposition transcript of a fact witness

Review a complete deposition transcript of an expert witness

Workers’ Compensation

Attend a .239 Conference

Attend a client meeting regarding settlement options and case valuation
Attend a medical or rehabilitation conference

Attend a stipulation status conference

Attend a workers’ compensation asbestos settlement conference

Attend a workers’ compensation attorney fee hearing

Attend a workers’ compensation expert medical deposition

Attend a workers’ compensation expert vocational deposition

Attend a workers’ compensation hearing

Attend a workers’ compensation mediation/arbitration

Attend a workers’ compensation pretrial conference

Attend a workers’ compensation settlement conference

Calculate potential exposure/benefits owed

Draft or review a notice of intent to discontinue or petition to discontinue

**WILD CARD EXPERIENCE**

Engage in any experience with or under the supervision of your mentor that is not one of the identified experiences.
DEBRIEFING TEMPLATES: A CONVERSATION GUIDE

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

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Sales – Warranty Disclaimer
Scheduling / Discovery Conference
Settlement Conference
Site Inspection
Title Search / Closing
Torts
Voir Dire
Wills, Estates and Trusts
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
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 raised? 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
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 is 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
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?
1. How important is building, maintaining, and expanding relationships through networking in the legal profession?

2. How has the lawyer built and maintained his or her network of professional relationships?

3. What approaches are most useful in expanding a professional network?

4. What resources or strategies might you use to cater networking to fit your personality type or professional development path?

5. How does relationship building through networking strategy change when involving colleagues, current clients, prospective clients, partners, judges, or others?

6. How is a networking conversation at a networking event different from an individual networking meeting? What suggestions do you have for engaging others in both settings?

7. In what circumstances does the lawyer prepare for networking opportunities and how?

8. If you are attending an event where you do not know many people, what are some strategies that will help you engage others?

9. What are some practical networking expectations and methods particular to the customs, standards, pressures and other aspects of the legal profession?

10. What role does cultural competency play in networking? What lessons has the lawyer learned about networking with people from different cultures? What tips can the lawyer share for developing cultural competency to better relate to and converse with others while networking?

11. What is the relationship between networking and marketing?

12. What additional advice can the lawyer give to a student wanting to expand his or her professional relationships through networking?

Director of Mentor Externship Judith Rush and Jules Porter (‘18)
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/non-liability or guilt/non-guilt, 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 attorney’s 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?
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
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 they 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?
Torts Template

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
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 whom 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