



Dear February 2011 Bar Applicant:

At my request, the OSB is developing a New Lawyer Mentoring Program that we anticipate will be implemented beginning in May 2011. The NLMP is being designed to assist new lawyers in developing the skills and judgment necessary to practice in a highly competent manner and to instill the ethical and professional values that characterize excellent lawyers. Participation will be required of all new lawyers admitted in 2011 and thereafter, unless they have practiced for at least two years in another jurisdiction.

Mentoring has a long history in the legal profession. Before there were law schools, would-be lawyers "apprenticed" under the tutelage of experienced practitioners. Even as law school education became the norm, an apprenticeship model operated in law firms of all sizes well into the late 20th century. The apprenticeship of new lawyers complemented the cognitive learning of law school by adding an ethical, social and practical dimension. The changing nature of the legal profession and the economics of modern practice have significantly limited the opportunities for new lawyers to learn the attributes of professional lawyers through observation and one-on-one guidance. The NLMP will help to fill that gap.

Every new lawyer will be paired with an experienced practitioner. Together they will design the new lawyer's individual training program from required and elective components. The required activities will introduce the new lawyer into the legal community, affirm ethical and professional standards, offer an overview of litigation and transactional practice, and provide guidance on law office management and successful client relationships. Elective activities will focus on basic tasks in a variety of substantive legal areas. There could be a fee assessed to new lawyers to offset some of the costs associated with providing the mentoring program - but the amount of any such fee has not yet been determined and completion of the NLMP will qualify for Minimum Continuing Legal Education credit. Over the course of the ensuing twelve months, the new lawyer will complete the program components with the advice and guidance of the mentor. The mentor will serve as a role model and trusted counselor who will teach the new lawyer how to think and act like a lawyer and who can offer a supportive environment for the first phase of the new lawyer's professional growth.

The OSB Board of Governors and I are confident that this new program will offer life-long benefits to the new lawyers and mentors alike and we are excited about introducing it to you. More information will be available as the details of the program are worked out.

Sincerely,


Paul J. De Muniz
Chief Justice

Oregon State Bar

New Lawyer Training Program

The issue of how new lawyers transition to the legal profession has long been a concern among bar leaders. There are elements of being a highly competent and professional lawyer that are difficult to address in the law school environment. In previous generations, “apprentice” programs were a common model for complementing the cognitive learning of law schools with the practical realities of running a professional law practice and working with clients, opposing counsel, and courts. Indeed some form of apprentice/mentoring continues to exist to some degree in many large firms and/or specialty bars.

However, the changing nature of the profession and the economics of modern practice have significantly limited the opportunities for new lawyers to learn the attributes of professional lawyers through one-on-one guidance. The Oregon Supreme Court and the OSB are creating this New Lawyer Training Program to fill that gap.

We are beginning to assemble some of the questions we are hearing from interested parties, and offer the following FAQ to provide some answers.

Please note that the program remains in a developmental stage, so answers to many questions have not been determined. This document will be frequently updated as the program takes shape.

Frequently Asked Questions

What is the main objective? The program is designed to assist new lawyers in developing the practical skills and judgment to practice in a highly competent manner and to instill the ethical and professional values that characterize excellent lawyers.

Is this new approach unique to Oregon? The Oregon program is modeled after programs in Georgia and Utah that have received accolades for enhancing the transition from student to practitioner, and giving new lawyers a firm grounding in both the practical realities of being a lawyer, and the professional and ethical approach that leads to greater career success.

How will each new lawyer’s “curriculum” be structured. New lawyers will work with their mentors to develop a tailored program incorporating both required and elective components. The program will introduce new lawyers to the legal community, affirm ethical and professional standards, offer an overview of litigation and transactional practice, and provide guidance on law office management and successful client and professional relationships. Elective activities will focus on substantive areas of law practice, and include some practical skills activities, ideally in the area the new lawyer is considering as their primary career focus. The program will have a one-year duration, with each new lawyer expected to complete the necessary components within that first year.

What are some examples of required activities? The components remain in development. Some examples might be a review and discussion of the Rules of Professional Conduct and ethical issues that arise in practice; joint attendance at a local bar meeting or other specialty bar event; participation in a client interview; examination of an effective billing system; review of escrow and trust account rules;

drafting of a fee agreement; attendance or participation in trial preparation or deposition; a tour of the courthouse and introductions with members of the judiciary; or a visit or meeting with local legal aid providers.

How will mentors be identified and recruited? In its first year of operation, the current expectation is that the bar will have a nomination process to identify experienced lawyers from across the state, and from a wide variety of specialty areas.

How will new lawyers and mentors be matched? This element of the program is in discussion. We do know that efforts will be made to match according to likely practice areas for the new member. New lawyers employed by governments, corporations, or private law firms will often be paired with a lawyer in their office or, with consent of the firm, with an outside mentor.

What sort of training will be involved for the mentors? A handbook will be developed that will cover all requirements of the program. A training video will also be available. In addition, staff will work closely with mentors to ensure they fully understand the core components of the program.

Will the new member be fully licensed to practice law before completing the program? Yes. During the one-year training program, the new lawyer is a fully licensed Oregon attorney with all of the rights and responsibilities of bar membership.

What if a participant fails to complete the program? He or she could file for an extension if there are extenuating circumstances. If an extension is not granted, the participant would lose their license to practice until the program is completed.

What is the expected time commitment for both parties? Since some of the core components of the program are currently in development we are not yet ready to estimate the time commitments. But we expect it to somewhat mirror the time the new lawyers have traditionally spent in transitional activities, such as CLE programs, section and local bar activities, other mentoring programs and classes.

Will there be any cost associated with participation? This too is under consideration, but at this stage the Task Force remains highly cognizant of the financial constraints under which most new lawyers operate. If there is a cost associated, bar leaders are seeking to have it be as minimal as possible to offset some of the costs of operating the program. Current discussion is centered on a fee in the neighborhood of \$100, though that is subject to change as the program continues to take shape.

Will mentors receive CLE credit? Yes. How much credit is still to be determined.

What happens to some of the existing mentoring programs around the state? Oregon has long benefited from established mentoring programs operated by local bars, specialty bars, law schools and law firms. We believe we have identified most of the established programs and are reaching out to them in developing the OSB program. We expect that the OSB program will incorporate many elements from those successful programs. Additionally, we expect that many of those programs will modify their curriculums to support the NLTP, and will become partners with the OSB in moving forward. If an in-

house firm program adjusts to fit in the core elements of the program, for instance, it would continue to operate with those modifications and could meet the requirements of the NLTP.