

Mentor Externship  
School of Law



UNIVERSITY OF

**St. Thomas**

*Bringing the Profession to Legal Education*

## **MENTOR MANUAL**

The Mentor Externship Program Policy Manual  
for Students and Mentors

2022-2023

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## WELCOME

Welcome law students, mentors, and faculty mentors. The University of St. Thomas School of Law Mentor Externship Program brings the profession to legal education for students and provides mentors 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.

Uyen Campbell, Director  
Judie Rush, Mentor Relationship Manager  
Izzy Peters, Coordinator

## PROGRAM OVERVIEW

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.<sup>1</sup> This manual is a policy guide for students and mentors participating in this award-winning program.<sup>2</sup>

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<sup>3</sup> experiential learning process:

1. **Plan.** Each student, in collaboration with their mentor, creates a plan for the year, called the Personal and Professional Development Plan (PPDP). 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 their 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 relationships and learn the customs, standards, and values of the profession. Students observe or engage in the broad spectrum of the work and professional

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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>

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.<sup>4</sup>

Each student establishes a mentoring relationship with a local<sup>5</sup> 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 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

Almost 600 lawyers and judges participate in the program annually, working with a student body of approximately 500 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

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<sup>4</sup> William M. Sullivan et al, EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW (2007) at 135 (the Carnegie Foundation's 2007 study of legal education). See also Neil W. Hamilton, "Assessing Professionalism: Measuring Progress in the Formation of an Ethical Professional Identity" <sup>5</sup> University of St. Thomas Law Journal (2008) University of St. Thomas Legal Studies Research Paper No. 08-10.

<sup>5</sup>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.

student/mentor pair has the opportunity to move forward on both the objectives of the program and student identified goals.<sup>6</sup>

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

**Ethics Mission.** The student reflects on their core values and first principles of professionalism and writes an ethics mission to guide their professional actions. The student shares the ethics mission with their mentor.

**Experiences.** The student and mentor identify experiences they would like to engage in during the year.<sup>7</sup>

**Debriefs.** The student and mentor identify at least two topics to discuss during the year. Topics to discuss in these "debriefs" may be an experience, a template,<sup>8</sup> another topic related to the legal profession, the student's professional identity formation, or other topic of interest to the mentor and student.

Throughout the year, the student takes the lead in developing the relationship with their mentor by initiating contact, engaging in activities to carry out their plan, and recording all program activity using Mentor Log.<sup>9</sup> 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 their 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.

These meetings, debriefings, and experiences facilitate the formation of professional relationships that are central to the legal profession and the program.

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<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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 face-to-face debrief conversation with their mentors during each semester, for a minimum requirement of two during the academic year.

<sup>9</sup> 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.

## Upper-Level Mentor Externship Coursework

In addition to their first-year fieldwork, students take a one-credit Mentor Externship course in their second and third year of law school.<sup>10</sup>

These courses integrate students' fieldwork with their mentors with a classroom component with a faculty mentor that reinforces the development of the trusted mentor relationship and explores other key relationships lawyers must manage, core competencies, and expectations of the profession.

The Mentor Externship courses are "experiential" as defined by the ABA and meet the ABA's experiential learning and field placement standards.<sup>11</sup> Key course components include:

1. Fieldwork with their paired mentor, similar to the requirements in 1L year (though 1L and LL.M. students complete a minimum of 18 hours of fieldwork, four distinct experiences, and two debriefs; 2L and 3L students complete a minimum of 30 hours of fieldwork, five distinct experiences, and two debriefs).
  2. Feedback and guidance from a faculty mentor.<sup>12</sup> throughout the academic year.
  3. Small group class sessions integrating a 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.

In April, rising 2Ls register for Laws 930 Mentor Externship and rising 3Ls register for Laws 933 Mentor Externship II for Fall of the following year. In November, students register for the same section and faculty mentor for the Spring semester.

For a detailed description, see the "*Mentor Externship Coursework*" section of this manual.

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<sup>10</sup> 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.

<sup>11</sup> 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

<sup>12</sup> 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).

## 2022-2023 STUDENT REQUIREMENTS

### First-Year (1L) Students

- ❑ Aug. 19 Online Orientation: Complete video and quiz.
- ❑ Aug. 23 In-Person Orientation: Attend at assigned times to receive mentor assignment and log both online and in-person orientations.
- ❑ Sept. 9 Initial Point of Contact: Contact mentor to introduce yourself and arrange meeting to discuss Personal and Professional Development Plan (PPDP). Log as Point of Contact.
- ❑ Sept. 10 Follow Up and Draft PPDP: Research mentor. Follow up with mentor if necessary to schedule PPDP meeting. Draft PPDP in [Mentor X Log](#) and email mentor draft.
- ❑ Sept. 30 PPDP Meeting: Meet with mentor face to face to review PPDP. Then revise and submit PPDP in [Mentor X Log](#), and log PPDP Meeting
- ❑ Oct. 31 Fieldwork Due: In month of October, complete and log Point of Contact or Debrief with mentor and Experience with mentor or another attorney or judge.
- ❑ Nov. 30 Mid-Year Fieldwork Milestone: Complete and log all Points of Contact with mentor, and a total of at least one face-to-face Debrief with mentor and two Distinct Experiences with mentor or another attorney or judge. (See *"Identified Experiences," "Debriefing Templates,"* and *"Fieldwork Guide"*)
- ❑ Jan. 31 Fieldwork Due: In month of January, complete and log Point of Contact or Debrief with mentor and Experience with mentor or another attorney or judge.
- ❑ Feb. 28 Fieldwork Due: In month of February, complete and log Point of Contact or Debrief with mentor and Experience with mentor or another attorney or judge.
- ❑ Mar. 31 Year-End Fieldwork Milestone: Complete and log in [Mentor X Log](#) total of at least 18 hours, all Points of Contact and two Debriefs with mentor, and four Distinct Experiences with mentor or another attorney or judge. Email to mentor or print compilation of approved log entries to review with mentor.
- ❑ May 3 Mentor Appreciation Reception: Attend to thank mentor.
- ❑ May 4 Year-End Meeting Milestone: Meet with mentor face to face to review compilation of approved log entries and then submit Year-End Meeting log entry. (See *"Year-End Meeting"* and *"Standards of Conduct"*).

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- (2L) and Third-Year (3L) Students

### Fall 2022

- Aug. 28 **Class Prep** and Quiz
- Aug. 29-Sept. 2 Class Meeting: Setting Your Own Course to the Profession (2Ls) or Setting Your Own Course as a Professional (3Ls)
- Sept. 6 **One-on-One Meeting Prep (September)**
- Sept. 7-30 One-on-One Meeting with Faculty Mentor
- Sept. 9 **Assignment Due:** Introductory Letter and Resumé  
Initial Point of Contact: Email mentor introductory letter and resumé, and arrange meeting to discuss Personal and Professional Development Plan (PPDP). Log as Point of Contact.
- Sept. 10 Follow Up and Draft PPDP: Research mentor. Follow up with mentor if necessary to schedule PPDP meeting. Draft PPDP in [Mentor X Log](#) and email mentor draft.
- Sept. 30 **PPDP Meeting:** Meet with mentor face to face to review PPDP. Then revise and submit PPDP in [Mentor X Log](#), and log PPDP Meeting.
- Oct. 2 **Class Prep**
- Oct. 3-7 Class Meeting: Building Your Professional Network (2Ls) or Marketing Your Professional Identity (3Ls)
- Oct. 14 **Assignment Due:** Networking Plan (2Ls) or Updated Networking Plan (3L)
- Oct. 30 **Class Prep**
- Oct. 31-Nov. 4 Class Meeting: Communicating Across Cultures (2Ls) or Communicating with Those You Will Serve (3Ls)
- Oct. 31 Fieldwork Due: In the month of October, complete and log a Point of Contact or Debrief with mentor, and an Experience with mentor or another attorney or judge.
- Nov. 30 Mid-Year Milestone: Complete and log all Points of Contact with mentor, and a total of at least one face-to-face Debrief with mentor and two Distinct Experiences with mentor or another attorney or judge. (See *"Identified Experiences," "Debriefing Templates,"* and *"Fieldwork Guide"*)

### Spring 2023

- Jan. 2 **One-on-One Meeting Prep (January)**
- Jan. 3-31 One-on-One Meeting with Faculty Mentor
- Jan. 31 **Fieldwork Due:** In the month of January, complete and log Point of Contact or Debrief with mentor and an Experience with mentor or another attorney or judge.
- Feb. 5 **Class Prep**

- ❑ Feb. 6-10                   Class Meeting: Identifying Expectations of the Profession (2Ls) or Delivering Excellent Service (3Ls)
  
- ❑ Feb. 24                    **Assignment Due:** Professional Expectations Essay (2Ls) or Client Expectations Letter (3Ls)
  
- ❑ Feb. 28                    **Fieldwork Due:** In the month of February, complete and log Point of Contact or Debrief with mentor and an Experience with mentor or another attorney or judge.
  
- ❑ March 19                  **Class Prep**
  
- ❑ March 20-24              Class Meeting: Furthering Your Professional Development
  
- ❑ March 31                  Year-End Fieldwork Milestone: Complete and log in **Mentor X Log** total of at least 30 hours, two Debriefs and all Points of Contact with mentor, and five Distinct Experiences with mentor or another attorney or judge. Email to mentor or print compilation of approved log entries to review with mentor. (See *"Identified Experiences," "Debriefing Templates,"* and *"Fieldwork Guide"*)
  
- ❑ March 31                  **Assignment Due:** Final Reflection
  
- ❑ April 3-28                One-on-One Meeting with Faculty Mentor
  
- ❑ May 3                     **Mentor Appreciation Reception:** Attend to thank mentor.
  
- ❑ May 4                     Year-End Meeting Milestone: Meet with mentor face to face to review compilation of approved log entries and then submit Year-End Meeting log entry. (See *"Year-End Meeting"* and *"Standards of Conduct."*)

2L and 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"*)

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 X 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 and loss of good standing
- Loss of certification under the Minnesota Supervised Practice Rules
- 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.<sup>13</sup> 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:

### **Personal and Professional Development Plan (PPDP).**

*I understand I will be certified as a student observer under Minnesota Supervised Practice Rule 2E.*

*I certify that I have read Rule 1.6 of the Minnesota Rules of Professional Conduct, and I will maintain confidentiality and will ensure that I am identified as a student to any client and accepted by them.*

(Review the **Confidentiality, Attorney-Client Privilege, and Avoiding Conflicts of Interest** section of the manual so you can make the necessary student observer certification.)

*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."*

(Applicability of Code of Student Responsibility)

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<sup>13</sup> The University of St. Thomas-School of Law's Code of Student Responsibility is available on page V-60 of the [Academic Policy Manual](#).

## Personal and Professional Development Plan (PPDP) Meeting Log Entry.

*I certify that I have met face-to-face 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.

*All my minimum required fieldwork was completed, logged, and approved in advance of my year-end meeting with my mentor.*

*I met face-to-face with my mentor (or I was given express, advance permission by a program director to communicate with my mentor in a different manner).*

*I provided my mentor with a copy of my Mentor X Log and discussed it with my mentor.*

*I have not logged and received credit for activity that I am not allowed to receive credit for as described in the "Student Professional Responsibilities" section of the Mentor X Program Policy Manual.*

*All my Mentor X Log entries 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 face-to-face 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 a recording of the argument on the internet.
3. A student logs a "debrief" 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 “debrief” 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 debrief that was not face-to-face 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 will be granted an extension once the date is confirmed;
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 we 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.
  - a. Any activity that independently produce other credit or compensation (e.g. employment/monetary, class credit, or public service requirement credit).
  - b. Any activity that is a required component or activity of law school coursework or extracurricular activities (e.g. law review symposium or similar activity, legal clinic activities, course assignments).
2. Law School Extracurricular Activities.
  - a. Attending or participating in moot court, mock trial, trial advocacy, or similar events 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.
  - a. Any activity that is part of a credit-earning externship, internship, or an unpaid position that a student identifies on their resume or otherwise represents as a “volunteer” activity.<sup>14</sup>
4. On-campus Activities.
  - a. 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 the Academic Year.
  - a. Time logged for fieldwork activities, other than Orientation, that occurred before the first day of Fall semester or after the deadline for logging the year–end mentor meeting.
6. Activities Inconsistent with Mentor Externship Program Objectives and Requirements.
  - a. Experiences that do not involve presence or supervision of a mentor, or the presence of another lawyer, judge, or other individual approved by the director.
  - b. Experiences with University of St. Thomas faculty or staff.
  - c. Experiences that the student did not attend live.
  - d. PPDP meeting, debrief, or year-end meeting that is not face-to-face, without advance permission of the director.<sup>15</sup>

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<sup>14</sup> 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.

<sup>15</sup> 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 their mentor.

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

This policy recognizes that a student’s Mentor Externship fieldwork is as important to a student’s education as other coursework. It also recognizes the need for a student to manage their 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 30, 2022** to discuss and complete with your mentee a Personal and Professional Development Plan (See "*PPDP*" tab).<sup>15F</sup><sup>16</sup>
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 two or more topics during the year (at least one of which should occur prior to **November 30, 2022**), which may be a conversation following an experience, a debriefing template, or a conversation about another topic. (See "*Debriefing Templates*" for examples).
5. Complete two to five experiences with your mentee during the year. (See "*Identified Experiences*").
6. Meet with your mentee to review and discuss the mentee's completed mentor externship log<sup>16F</sup><sup>17</sup> by **May 4, 2023**.

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<sup>16</sup> Students certify that they have met and discussed the PPDP with the mentors; mentors do not sign the PPDP.

<sup>17</sup> At the end of the year, each student prints their log and provides a copy to their mentor for review and discussion. This is an face-to-face 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 mentee that they would for a first-year associate or judicial law clerk. Comparing the mentee draft to the final product can provide a teaching opportunity. As another example, a mentee may prepare their 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 Providing Feedback to Mentees

**Supervision.** The mentee’s activities and communications with the mentor provide the mentee with core opportunities to gain lawyering experiences and be mentored and for mentors to have a meaningful mentor experience. By working with the mentee to plan activities for the year, engaging in activities during the year, and closing the year with a review of the mentee’s fieldwork log, the mentor guides the process and oversees the mentee’s fieldwork, including the supplemental activities a mentee 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 mentee’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:

1. **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 feedback and the mentor’s ability to know what to say.
2. **Honest.** Mentees deserve feedback (both positive and negative) and do not benefit from false praise or receiving a “pass” on professional obligations.

3. **Encouraging.** Feedback should be given in private, respectfully, and with kindness and an appreciation for the feelings of the mentee.
4. **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.
5. **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.
6. **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.
7. **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, mentees, 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. Mentors can earn CLE credit from 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. These CLE programs are free or offered at a significantly reduced rate as a show of appreciation for the mentor’s 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 [For Mentors](#).

**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 mentees the benefit of their experience. Mentors who have an experience they would like to share with a group of mentees or wish to contribute in other ways should contact the Mentor director or a mentee’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 mentee 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 mentees based on mentee 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 debriefs 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 meetings or events, educational, and or 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.<sup>18</sup>

Further, the Mentor Externship Program is committed to providing an inclusive, welcoming, and safe environment for our mentors and our mentees. 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 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. <https://www.stthomas.edu/title-ix/sexualmisconduct/>

St. Thomas' Equal Opportunity Statement and Notice of Discrimination. <https://www.stthomas.edu/media/officeofgeneralcounsel/policies/Equal-Opportunity-Statement-and-Notice-of-Nondiscrimination.pdf>

"Mentoring Across Differences: A guide to Cross-Gender and Cross-Race Mentoring" Minority Corporate Counsel Association. <https://www.mcca.com/wp-content/uploads/2017/04/Book7-Yellow.pdf>

Kathy Gurchief, "7 Essential Guidelines for Mentoring in the Post-Weinstein Era." <https://www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/pages/guidelines-for-mentoring-in-the-postweinstein-era.aspx>

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<sup>18</sup> 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)).

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

## Protecting Confidentiality and Privilege in the Mentoring Relationship

Mentors should carefully consider their mentee's access to confidential information.

The [Minnesota Supervised Practice Rules](#) protect attorney-client privilege and work product privileges in the mentor-mentee relationship by certifying students as "student observers":

"Student Observer" means a student certified under these Rules to observe any and all professional activities of a member of the bar as part of an academic program or course for academic credit, including client communication. Communication between the client and the student shall be privileged under the same rules that govern attorney-client privilege and work product doctrine, and the presence of a student during communication between the lawyer and the client shall not, standing alone, waive these evidentiary privileges.

Minn. Supervised Prac. R 2E (2020). Students must be in good academic standing, certified in connection with an academic program or course for credit, and sign a statement certifying they will maintain confidentiality required of lawyers by Rule 1.6 of the Minnesota Rules of Professional Conduct. Minn. Supervised Prac. R 5B (2020). (See "[Minn. Rule of Professional Conduct 1.6](#)" below.)

Mentors, as supervising attorneys, are required by the Rule to ensure that their mentees are (1) identified as a student and accepted by the client; and (2) have signed a statement certifying they maintain the confidentiality that a lawyer is required to maintain under Rule 1.6 of the Minnesota Rules of Professional Conduct. See Minn. Supervised Prac. R 5B (2020).

Mentors can be assured that their mentees are in good academic standing, have read Rule 1.6 and have certified in their Personal and Professional Development Plan (PPDP) that they will maintain confidentiality under the Rule, and have been certified in connection with the Mentor Externship Program. If a student has not been certified under the Rule for any reason, their mentor will be contacted by a Mentor Externship director.

Mentors are encouraged to discuss confidentiality and privilege with mentees. The discussion provides an opportunity to teach mentees about the duty of confidentiality and the attorney-client and work product privileges and how they are protected in practice, how to ensure clients and others understand the role, and the need to be aware of potential or perceived conflicts of interest.

These student observation rules<sup>19</sup> play an important role in permitting law students to observe a broader spectrum of the legal profession, improving the caliber of legal education and legal services provided in the future.

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<sup>19</sup> The student observation protections were initially adopted in the Spring of 2009 as Minnesota Practice Rule 3. Senior Assistant Dean Lisa Montpetit Brabbit, former Director of Mentor Externship and Dean of Students David Bateson, and Christina Hilleary ('09) assisted the Minnesota State Bar Association in its [Petition to the Minnesota Supreme Court](#) for the adoption of

Prior to the adoption of these provisions, 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.<sup>20</sup> Mentors were understandably hesitant to allow mentees to observe their communications with clients or to discuss case strategy with them, to avoid the risk that a mentee could be called as a witness to testify regarding these confidential communications. Mentees' inability to observe attorney-client communications interfered with the skill development and professional formation of new attorneys.<sup>21</sup> The exclusion prevented mentees from observing, analyzing, and internalizing some of the most important professional skills associated with the administration of justice: navigating the attorney-client relationship.<sup>22</sup> The current rules assure that these opportunities are available to mentees in a professional and supervised setting.

The adoption of these protections also provided an opportunity to improve legal education. According to the MacCrate Report,<sup>23</sup> law students are widely perceived to be incapable of performing some of the essential functions of the profession upon their graduation from law school.<sup>24</sup> Like the MacCrate Report, the Carnegie Report<sup>25</sup> emphasizes the importance of an interdependent connection between professional education and the profession.

The protections allow mentors to use their creativity and increase opportunity for the benefit of their mentee through exposure to a vast array of activities within the attorney-client relationship,

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Rule 3. We are grateful to Dean Brabbit and Dean Bateson for their many contributions to the advancement of legal education and the Mentor Extership Program.

<sup>20</sup> 8 JOHN H. WIGMORE, EVIDENCE IN TRIALS AT COMMON LAW § 2300 at 581(8<sup>th</sup> 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. Soloman*, 1 Fed. Cas. 899, 901 (No. 378) (C.C. Pa. 1816); *Barnes v. Harris*, 61 Mass. (7 Cush.) 576 (1851); *Schubakagel 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).

<sup>21</sup> 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.)

<sup>22</sup> See Patrick Schiltz, *Legal Ethics in Decline: the Elite Law Firm, the Elite Law School, and the Moral Formation of a Novice Attorney*, 82 MINN. L.REV. 705, 709 (1998); Patrick Schiltz, *Making Ethical Lawyers*, S. TEX. L. REV. 875, 877-878 (2004) (argues that new lawyer professional formation is advanced through observing and dialoguing with senior lawyers who model ethical lawyering).

<sup>23</sup> ABA Section of Legal Education & Admissions to the Bar, *Legal Education and Professional Development An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992) (known as the "MacCrate Report" named for Robert MacCrate, Esq., chair of the taskforce).

<sup>24</sup> *Id.*

<sup>25</sup> William M. Sullivan, et al., *Educating Lawyers: Preparation for the Profession of Law* (2007).

Mentors may have particular confidentiality concerns or guidelines which they should discuss with their mentees. [A Sample Confidentiality Agreement](#) follows which can be used before mentees become privy to a variety of confidential information, such as clients, firms, marketing, finances, etc.

### **Minn. Rule of Professional Conduct 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 Mentee (Please Print)

\_\_\_\_\_  
Name of Mentor (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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Date

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Date

## Avoiding Conflicts of Interest in the Mentor Relationship

**Obligation to Avoid Conflicts of Interest.** Minnesota Supervised Practice Rule 6(3) compels a law student who is employed or who has a paid or unpaid externship or internship with a legal employer to comply with the Minnesota Rules of Professional Conduct, including its conflict-of-interest rules. As such, these law students must be alert to any potential for conflicts between the interests of their employer or externship/internship placement and their 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.<sup>26</sup> While a student as a mentee is not representing a client, their 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 they research and write 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 they are 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 they are 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.

A student working or interning at a private law firm or legal aid office has a potential conflict if they are 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 their mentor.

1. Notify Mentor Externship when giving mentor preferences. A student updates their profile in Mentor X Log each year to indicate their 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.

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<sup>26</sup> See generally Minnesota Rules of Professional Conduct 1.7, 1.8, 1.9, 1.10.

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 they 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 Personal and Professional Development Plan (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 they have 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 X 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 important skills and competencies in a setting that allows for oversight, thoughtful reflection, and feedback.

### Understanding and Using Mentor X Log

#### Purpose of Logging Fieldwork

Students record their fieldwork activities as they occur using Mentor X Log, which simulates time management and billing software used in the legal profession (Mentor X Log allows time to be recorded in 15-minute (0.25 hour) increments). By allowing students to record their fieldwork, Mentor X 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 fieldwork 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 X Log tracks significant milestones in the relationship, including points of contact; the initial PPDP meeting with the mentor; the mentor debriefs, experiences, and total hours required during the year; and the year-end meeting with the mentor. Approaching deadlines are coded in colors:

Grey status:	Indicates a future deadline that students should note and manage their time to meet it
Yellow status:	Indicates a deadline approaching in two weeks
Green status:	Indicates the student has satisfactorily completed the milestone
Red status:	Indicates a missed milestone and further action is required by the student to maintain good standing, unless an extension has been granted. (See <i>“Professionalism and Good Standing”</i> under the <i>“Student Professional Responsibilities”</i> section).

#### Approval and Feedback

The Mentor Externship director reviews all logged entries and provides feedback. Second- and third-year J.D. students additionally receive feedback on their entries from their faculty mentors.

## Approval Standards

Mentor X Log ensures that entries meet minimum requirements by requiring dates<sup>27</sup>, 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.
- **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 a log entry is reflected in the student’s Fieldwork screen in Mentor X Log. Students should regularly check their entries in Mentor X Log to see whether they have been approved, 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.

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<sup>27</sup> 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/May in compliance with ABA standards.

## Fieldwork Types and Descriptions

The types of Mentor Externship fieldwork in Mentor X Log include:

- Orientation
- Points of Contact
- Personal and Professional Development Plan (PPDP)
- Experiences
- Debrief
- Networking
- Year-End Meeting

### Identifying a Mentor or Other Lawyer or Judge who is “Present.”

Mentor Externship fieldwork focuses on in-person relationship building between mentor and student but provides mentors and students with flexibility to maximize opportunities for relationship building and learning.

- “Present” for purposes of core meetings between the student and mentor (Personal and Professional Development Plan initial meeting, Debriefs, and the Year-End Meeting) means the mentor and student met face-to-face which includes in-person meetings and meeting via video conferencing. Meetings in other formats require prior director approval.
- “Present” for purposes of experiences with the mentor means in person or by video conference, telephone, or email, as the student and the mentor decide.
- “Present” for purposes of experiences with other attorneys or judges means in person or by livestreaming, video conference, or phone conference.

Networking conversations with other attorneys or judges may be in person, or by video conference, telephone, or email.

### Orientation

This fieldwork category is used to log attendance at the required orientation at the beginning of 1L year. Students log the date, the amount of time (up to two hours) spent in orientation (both online and in person), and provide a brief description.

## Points of Contact

This fieldwork category is used to log brief contacts such as emails, text messages, telephone conversations, or thank you notes to the mentor or the mentor's staff<sup>28</sup> 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 their mentor throughout the year.

Students may log up to 0.25 hours per point of contact and should use their own judgment to determine how much time, if any, to log for very brief contacts, just as they would when billing a client. For example, a student can log a very brief email in one log entry as 0 minutes. Or they could log a series of four very brief emails in one log entry for a total of 0.75 hours.

## Personal and Professional Development Plan (PPDP) Meeting

This fieldwork category is used to log the time spent by a student: 1) preparing to meet their mentor for the first time and preparing the draft PPDP form to reflect the experiences and debriefings they would like to have this year; 2) traveling to and from the meeting; and 3) the meeting itself. Students must follow the *PPDP Process* outlined in the *Personal and Professional Development Plan Guidance* section of this manual to prepare the draft PPDP, meet with their mentor, and log the PPDP meeting.

## Experiences

This fieldwork category is used to log each opportunity in which the student observes or engages 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 who are not University of St. Thomas faculty or staff. 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 in the *"Identified Experiences"* section.

**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.

**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

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<sup>28</sup> Brief contacts with other lawyers or judges as part of a networking experience are logged in the "networking" category.

director. These experiences allow a student to pursue their 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 their 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 another 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 X Log for experiences and experiences topics or types. Students may also consult the experiences list (See "[Identified Experiences](#)") to assist them in properly identifying their experiences.

**Determining Whether an Experience is "Distinct."** Students complete a minimum number of "distinct" experiences each year. This ensures that students are exposed to and experience a variety of different procedures, processes, or legal subject areas. 1Ls students must complete at least four distinct experiences and 2Ls/3Ls students must complete at least five distinct experiences each year.

Repeated experiences of the same experience type in different years are distinct. For example, if a student observed the deposition of a fact witness as a 1L and then watched another deposition of a fact witness as a 2L, the student's log entry of the deposition of the fact witness during their 2L year will count towards their distinct-experience requirement for their 2L year.

Repeated experiences of the same experience type in the same year are not distinct. 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 X Log is unable to distinguish between events that have the same event type so the student's Mentor X 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.

## Debriefs

This event category is used to record face-to-face conversations with the mentor.<sup>29</sup> 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).

The debrief log entry must be a minimum of 100 words, 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.

Students must complete at least two debriefs with their mentor each year.

## Networking

This event category is used to record conversations with lawyers or judges other than the student’s assigned mentor. Networking must be with identified lawyers or judges.

Networking time counts toward the minimum fieldwork hour requirements. 1L students may log up to three hours per year and 2L/3L students may log up to five hours per year.

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 Meeting

This event category is used to record the year-end meeting. Once a student has completed and received approval for the minimum required fieldwork, they print the compilation of their approved log entries, and bring it to a face-to-face 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 milestone. (See *“Standards of Conduct”* section.) No time is logged for this meeting since it occurs after all fieldwork requirements have been logged and approved.

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<sup>29</sup> 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.

**\*Note:** \* If a student's minimum fieldwork requirement will not be complete at the time of the Year-End Meeting, the student should contact a 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 their own professional journey through Mentor Externship with an emphasis on developing their 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 their own course by writing an introductory letter to their mentor, attaching a current resume, describing how and what they learned in the course of 1L mentor externship, and what they hope 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 their 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 their relationships now and throughout their professional life to learn, grow, and serve others well.

The student sets goals, identifies their 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 their professional goals, utilize their 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 they stand against the identified competencies. The student evaluates how they 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 their 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 their 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 their activities during the year (mentor development, networking, fieldwork, skill development, observations, and conversations), and the student identifies the next steps in their 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 they will live out their professional identity.

Setting Your Own Course as a Professional focuses on how a student can optimize their 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 their mission.

The student sets their own course by writing an introductory letter to their mentor, attaching a current resume, describing how and what they learned in the course of 2L Mentor Externship, and what they hope 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 their 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 their professional development progress by revisiting their 2L networking plan and activities during the summer and considers how they can continue to build a network that will help them move into professional employment and continue their career-long professional development.

The student updates their networking plan to reflect their progress to date, current goals, benchmarks, and steps they will take in the coming six months to carry out their 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 their 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 they need 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 they will make, allow the student to carry out their vocation, and ensure a meaningful life?

The student writes a final reflection, looking back on their activities during the year (mentor development, networking, fieldwork, skill development, observations, and conversations) and identifying the next steps in their 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 their mentor and other professional relationships. The faculty mentor will provide feedback, guidance, and support to the student in their transition from legal education to professional employment.

## 2022-23 FACULTY MENTORS

Barner, Jabari (2L, Section 9)  
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[Biography](#)

Bloomgren, Amanda (2L, Section 8)  
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[Biography](#)

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[Biography](#)

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[Biography](#)

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Barnette, Hon. Toddrick (3L, Section 9)  
Judge of Fourth District Court  
Hennepin County Government Center  
[Biography](#)

Browne, Hon. Michael (3L, Section 14)  
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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 X Log by following the PPDP process outlined below. 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.

### PPDP Process

1. Draft your PPDP in Mentor X Log by selecting [Plan \(PPDP\)](#) from the purple sidebar and then clicking on Get Started. Please note that the PPDP must be drafted using the form in Mentor X Log. Other forms or formats such as Microsoft Word or Google Docs are not allowed.
2. Carefully review the certifications. If you are able to make the required certifications, click the certification boxes.
3. Once you have drafted your PPDP, save your PPDP and click on “Print” to print a copy of your PPDP or save a PDF copy of your PPDP.
4. Email the draft PPDP to your mentor before your initial meeting with your mentor or bring the printout of the draft PPDP to your meeting with your mentor.
5. At the meeting, review and discuss the draft PPDP with your mentor.
6. After the meeting, click on [Plan \(PPDP\)](#) again to revise your PPDP to reflect any changes discussed with your mentor. Then submit your [Plan \(PPDP\)](#).
7. Next, click select [Fieldwork](#) from the purple sidebar and click on Add Entry.
8. Under Activities with Your Mentor, select PPDP Meeting. Provide details of your PPDP meeting as prompted. Enter the meeting and travel time and carefully review the certification that you have met face to face and reviewed and discussed your PPDP with your mentor.

If you are able to make the required certification, click the certification box and submit your PPDP Meeting log entry.

## 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."<sup>30</sup>

While the mentor-student 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)
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<sup>31</sup>:

- 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:

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<sup>30</sup> William M. Sullivan et al, EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW (2007) at 135 (the Carnegie Foundation's 2007 study of legal education). See also Neil W. Hamilton, "Assessing Professionalism: Measuring Progress in the Formation of an Ethical Professional Identity" 5 University of St. Thomas Law Journal (2008) University of St. Thomas Legal Studies Research Paper No. 08-10.

<sup>31</sup> The organization that follows was inspired by Janel M Radtke's work on writing business mission statements. <https://www.tgci.com/sites/default/files/pdf/How%20to%20Write%20a%20Mission%20Statement.pdf>.

“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, and 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 pursuing justice and maintaining 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.

### 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 I hope to be able to investigate this and learn of other’s experiences, specifically my mentor’s, in order to truly grasp the concept of handling 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
- Draft or review written advice to a client

## EXPERIENCES TYPES

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)

### Identified Experiences Corresponding to the 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](#)

[Common Professional Experiences](#)

[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/Trademark](#)

[Intellectual Property – Patent](#)

[International 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

Director-Approved Experiences

### 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 an arbitration  
Draft or review 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

### Common Professional Experiences

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  
Draft materials for a continuing legal education (CLE) program

### 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 mental health court proceeding  
Attend a parole or probation revocation or parole violation hearing  
Attend a plea hearing or allocution  
Attend a re-entry court proceeding  
Attend a restitution hearing  
Attend a ride along with a police officer  
Attend a sentencing hearing  
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 affect 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  
Attend a tax court calendar call  
Attend a tax court trial

#### 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 section 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/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

### Intellectual Property – 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

### International Law

Attend a hearing before the International Court of Justice  
Attend a reading of a judgment by the International Court of Justice

### 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 foreclosure 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.

## **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.

# DEBRIEFING TEMPLATES: A CONVERSATION GUIDE

## Index

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

Appellate Argument	Hennepin County Professionalism Committee
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Balance	Jury Instruction
Billing	Land Use / Zoning Meeting
Civil Motion	Legislative / Committee Hearing
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Client Interviewing	Mediation
Closing Argument	Medical Records
Contract Negotiation	Negotiation
Contracts / Litigated	Networking
Credit and Payment Devices /Delinquent Loan	Opening Statement
Credit and Payment Devices /Interview with an In-House Lawyer	Pretrial Conference
Cross-Examination	Pro Bono Work
Deposition	Professional Responsibility / Ethics
Demand Letter	Sales – Transactions Conducted Electronically
Direct Examination Law Witness	Sales – Warranty Disclaimer
Drafting Judicial Opinions / Judicial Administration	Scheduling / Discovery Conference
Ethical Leadership in Corporate Practice	Settlement Conference
Expert Witness Deposition	Site Inspection
File Management	Title Search / Closing
Fostering Professional Ideals	Torts
Grades and the Profession	Voir Dire
	Wills, Estates and Trusts

## Appellate Argument Template

1. What assumptions do attorneys seem to be making about the judges' knowledge of the facts and the law? Do these assumptions seem to change as the argument progresses and the judges ask questions? What balance do the attorneys strike between an advocate's duties to both educate and persuade the judges?
2. If the judges asked questions, what do these questions reveal about the judges' opinions about the law or facts? What do these questions reveal about the judges' jurisprudential schools of thought? How well do the attorneys use these questions to help their cases? Compare the depth or detail of the answers to the judges' questions to that of the attorneys' arguments generally.
3. What role does 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?

Associate 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?

Associate Dean Lisa Montpetit Brabbit  
and Jon Barga ('06)

## Billing Template

1. What are the most important skills a lawyer can develop in order to bill their 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? Were they 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)?

Associate Dean Lisa Montpetit Brabbit

## Client Counseling Meeting Template

1. How did the attorney prepare to counsel the client? How much time did it take? What additional preparation would have been helpful?
2. How did the attorney begin the client meeting? Did the attorney outline the purpose of the meeting for the client?
3. How did the attorney identify or confirm the client's goals?
4. What options did the attorney outline for the client?
5. Did the attorney discuss the pros and cons of each option? How?
6. How did the attorney demonstrate that they were listening to the client? Did the attorney confirm the client's understanding of the information provided? How?
7. How did the attorney involve the client in the discussion? Did the client offer or ask about other options? Did the client ask questions? What questions did the client ask and how did the attorney respond?
8. Did the client ask for the attorney's recommendation on what to do or next steps? How did the attorney respond?
9. Did the client ask the attorney about their chances of "winning"? How did the attorney respond?
10. Discuss the closing of the counseling meeting. 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?
11. What ethical issues came up during the counseling? How did the attorney and the client handle them?

Uyen Campbell, Director, Mentor Externship Program

## 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 their 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 they 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 their 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?

Associate 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? Were 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?

Associate Dean Lisa Montpetit Brabbit

## Contract Negotiations Template

1. How much of the drafting work consisted of composing original language, and how much consisted of adapting form contract provisions?
2. Were there any contractual issues that the client hadn't considered, that the lawyer was able to warn the client should be addressed?
3. Were there any issues that the lawyer brought up that the client decided she would rather not address directly in the contract?
4. What issue in this deal does this lawyer think is most likely to lead to litigation in the future? How is this issue addressed in this contract?
5. How carefully does the lawyer think her client is reading the drafts of the contracts during the negotiation process?

## Contracts / Litigated Template

1. Was the contract oral or written?
2. Was the entire business relationship between the parties captured in one contract? Do aspects of their relationship extraneous to the specific contract at issue seem relevant to the case?
3. Did the contract involve parties with equal bargaining power?
4. Does it appear that the parties involved actually bargained over the issue that was being litigated? Was the contested issue directly addressed in the language of the contract?
5. What sorts of evidence of the actual intent of the parties with respect to the disputed issue has been gathered? What will be introduced in court?
6. What type of contract principle was at issue in this case: consideration, formation, interpretation?
7. What legal arguments can you think of to support the position of the client represented here?

Professor Elizabeth Schiltz

## Credit and Payment Devices / Delinquent Loan Template

1. What is the interest rate on the loan? Did the interest rate change over the course of the loan?
2. What happens under the loan contract if the borrower is late in making a payment?
3. What happens under the loan contract if the borrower wants to pay the loan off early?
4. Where was the borrower when she signed this loan contract: in her home, in the lender's office, in a store?
5. Did the borrower compare the interest rate on this loan to interest rates on comparable loans offered by other lenders? Could this borrower have gotten this loan from any other borrower?
6. Did the borrower understand the terms of this loan when he borrowed the money? How do you know? Did the lender make any attempt to determine this?
7. Do the terms of this loan or the circumstances of the transaction violate any law?

Professor Elizabeth Schiltz

## **Credit and Payment Devices / Interview with In-House Lawyer Template**

1. What percent of the corporation's bills are paid by cash, check, credit card, electronic fund transactions, letters of credit, promissory notes, or by securitization? What considerations dictate which form of payment is used?
2. What sorts of payment devices does the corporation accept from the people who owe it money? What considerations dictate which forms of payment are accepted?
3. Has the corporation ever been the victim of fraud in a payment device used by its customers? If so, what was the resolution of that incident?
4. How does the corporation protect itself from embezzlement by its employees who are authorized to pay bills for the corporation?

Professor Elizabeth Schiltz

## Cross-Examination Template

1. Was the witness important? Why?
2. What did the lawyer hope to accomplish on cross-examination? Did that happen? What main points did the lawyer hope to establish?
3. Did the cross-examination help or hurt the opposing party's case?
4. How long was the cross-examination? Was it shorter or longer than the direct examination?
5. Did the lawyer ask all leading questions? Did the lawyer ask any open-ended questions? Did the lawyer take any risks with the witness?
6. How credible was the witness? Was the witness able to explain their 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 their 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?

Associate 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?

Associate 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 they 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 their 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?

Associate Dean Lisa Montpetit Brabbit

## Drafting Judicial Opinions / Judicial Administration Template

1. How are the cases assigned? For district court judges, what type of administration system is used in the judge's district? Does it vary by district?
2. What process does the judge follow in researching the legal issues involved and writing the opinion? What can the judge consider in deciding the outcome of a hearing?
3. How important are deadlines for lawyers? What happens if a lawyer misses a court deadline?
4. Whose voices are involved in the journey from hearing to written opinion?
5. How often 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?

Associate 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 conflict 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?

Associate 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?

Associate Dean Lisa Montpetit Brabbit

## Housing Court Proceeding Template

1. Was the action initiated by the tenant or the landlord? For what reason? What steps did the complaining party take to initiate the proceeding?
2. Were one or both parties represented by attorneys? If not, how did the lack of attorney representation impact the proceeding, if at all?
3. What role, if any, did a written or oral lease play in the proceedings? Were any parts of the lease (contract) in dispute?
4. What type of settlement attempts were made before the housing court trial? Discuss the bargaining power of each party and how that might have impacted the possibility of settlement.
5. Was the case heard by a judge or a referee? What is the difference?
6. Was an ERTA (Emergency Remedy Tenant Action) involved in this case? Explain the purpose of an ERTA.
7. What public policy issues and/or social justice issues did you think about while observing housing court? What types of action could be taken to mitigate the problems that cause people to end up in housing court? Who should be taking action?
8. What legal steps must a landlord take to evict a tenant? What can a tenant do to avoid eviction?
9. How are housing court proceedings different from other court proceedings that you have observed?
10. What is the Implied Warranty of Habitability? What remedies does a tenant have for a landlord's breach of the Implied Warranty of Habitability? Was this principle an issue in the proceeding you observed?

## Integration of Faith in Work Life Template

1. What roles does faith play in your daily work as an attorney or judge?
2. Does faith affect decisions on: What clients to take? What type of law you focus on? Your methods of practice? Your methods of counseling? Your written opinions?
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 is 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?

Associate 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 their 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.

Associate 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 issued 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?

Associate 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?

Associate 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?

Associate 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 records 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?

Associate 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?

## Networking Template

1. How important is building, maintaining, and expanding relationships through networking in the legal profession?
2. How has the lawyer built and maintained their 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 their 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 do they 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?

Associate 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?

Associate 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 they get involved in that specific work? What type of pro bono work would be important to you?
7. Does pro bono work contribute to or detract from having balance in the mentor's life?
8. How do the financial limitations of doing legal work for free affect, if at all, the quality of representation provided?
9. Should pro bono work be required of all licensed attorneys?

## Professional Responsibility / Ethics Template

1. What circumstances have provoked your most difficult ethical dilemmas in your work?
2. What are the most common ethical problems associated with your practice?
3. How often do you observe ethical issues? Have you ever reported an ethics violation to the board of professional responsibility?
4. How often does the intersection of income and ethical practice cause moral tension? In what circumstances? How do you approach resolving that tension?
5. How are the Rules of Professional Conduct viewed in general practice? As a minimum requirement? As a definitive set of guidelines outside of which one can operate and act freely (i.e. as long as I'm not explicitly violating the rule, I'm free to act as I please)?
6. Are the Rules effective in regulating the profession?
7. On January 11, 2001, the Minnesota Supreme Court adopted the Professionalism Aspirations. What purpose do they serve? How are the Professionalism Aspirations viewed in general practice? How often do you observe lawyer behavior that falls short of the Aspirations? What are the common shortcomings?
8. What does your personal sense of ethical behavior/practice require of you that would be acceptable or unacceptable under the Rules of Professional Conduct?

## Sales - Transaction Conducted Electronically Template

1. Identify the offer and the acceptance of the offer.
2. How is the contract memorialized? Is there a printed record of the final contract?
3. What law applies to the resolution of this dispute? Is it a particular state's contract law; if so, has this state enacted the Uniform Electronic Transactions Act? Is it the federal Electronic Signatures in Global and National Commerce Act? How was that jurisdiction chosen?
4. Does the contract contain an arbitration clause?

Professor Elizabeth Schiltz

## Sales – Warranty Disclaimer Template

1. Is this a consumer transaction or a commercial transaction? Does that make a difference to this issue?
2. Are there any statutory limitations on the breadth or effectiveness of such a disclaimer?
3. What type of warranty is being claimed: implied or express, merchantability or fitness for a particular purpose?
4. How conspicuous is the disclaimer?
5. Is this disclaimer effective? If not, how could it be amended to have the effect that the drafters probably intended?

Professor Elizabeth Schiltz

## Scheduling/Discovery Conference Template

1. Fed. R. Civ. P. 26(f) provides that litigants must plan for discovery. What does Rule 26(f) require? Is there a corresponding rule in state court? Does Minn. R. Civ. P. 16.02-.03 apply? What does Rule 16.02-.03 require? How are the two rules different?
2. What is the purpose of the conference? Is a scheduling conference required in every case filed with the court?
3. What are the litigants requesting? Did the judge impose any limitations on the time frame for discovery? For motions?
4. What is the role of the judge? Why would the court request a scheduling conference? Is the court concerned about case management?
5. Did the court issue an order requiring a scheduling conference, or did one of the litigants request the court hold the conference?
6. Who was required to appear at the conference? Was the client present? If the client was present, what role did the client play? If the client was not present, why not?
7. What documentation did the court require of the parties prior to the conference? What is an Informational Statement Form and how is it relevant to the discovery conference?
8. How formal / informal was the process? Did the conference take place by telephone, in chambers, or in the courtroom?
9. What was the result of the conference? Did the court issue an order following the conference? What did it outline?
10. If the court issues an order outlining the dates and deadlines for discovery, can the litigants request an extension on a later date? How is that accomplished?

## Settlement Conference Template

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

Associate 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?

Associate 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?

Associate 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?

Associate Dean Lisa Montpetit Brabbit

## Wills, Estates and Trusts Template

1. What effort was made to determine the competency and freedom of the testator?
2. What efforts were made to provide for family?
3. To what extent were standardized forms employed? What values do they serve?
4. In a probate matter, who is the client? Can a lawyer have more than one client?
5. What are the notice requirements for probate? What happens if the notice requirements are missed? What statute(s) governs notice? What does the statute say about whom you have to give notice to?
6. What are the notice requirements for intestacy? What efforts were made to contact the heirs?

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