



Illinois Supreme Court Commission on Professionalism

**Illinois Supreme Court Commission on Professionalism
Lawyer-to-Lawyer Mentoring Program**

**Mentoring Plan Supplement
For Mentees and Mentors**

Revised Edition 2020

Illinois Supreme Court Commission on Professionalism



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Dear Colleague:

The Illinois Supreme Court Commission on Professionalism thanks you for your participation in the Lawyer-to-Lawyer Mentoring Program. Your commitment to advancing the cause of professionalism is a credit to you. Your mentoring relationship can be a source of knowledge and inspiration for years to come.

To assist you with the development and implementation of your Mentoring Plan, the Commission has assembled this Mentoring Plan Supplement that you may use and refer to throughout the course of the Program. All action items in the Mentoring Plan are linked to corresponding resources in this Supplement. The resources provided consist of suggested activities, discussion topics, and references related to the corresponding action items in the Plan.

In addition to the resources contained in this Supplement, please visit our [website](#), read our [blog](#), and follow us on Twitter [@2CivilityOrg](#) for more information and updates on mentoring and professionalism issues.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jayne R. Reardon". The signature is fluid and cursive, written in a professional style.

Jayne R. Reardon
Executive Director

Contents

- 1. Professionalism 3
 - 1A. Introduction to Bar Association and Networking 3
 - 1B. Introduction to Professional Development Organizations 5
 - 1C. Introduction to the Courthouse 6
 - 1D. Observe Courthouse Proceedings 8
 - 1E. Observe Transactions 9
 - 1F. Responsibility to Improve the Administration of Justice, Pro Bono Service, and Access to Justice 10
 - 1G. Find Pro Bono Experience 12
 - 1H. Law Office Management 13
 - 1I. Time Management 15
 - 1J. Staffing Legal Matters 16
 - 1K. Client Communication 17
 - 1L. Discuss Feedback 19
 - 1M. Proper Legal Counseling 21
 - 1N. Business Development 22
 - 1O. Client Intake 23
 - 1P. Alternative Dispute Resolution 24
 - 1Q. ADR Observation and Discussion 25
 - 1R. Explore Intraoffice Communications 26
- 2. Legal Ethics 27
 - 2A. Client Confidentiality 27
 - 2B. Conflicts of Interest 29
 - 2C. Legal Professionals & Workplace Culture 30
 - 2D. How to Involve Clients in Their Cases 32
 - 2E. Legal Ethics Case Analysis 33
 - 2F. Negotiations 34
 - 2G. Common Malpractice and Grievance Traps 35
 - 2H. Dealing with Others on Behalf of Your Client 36
 - 2I. Unethical and Unprofessional Misconduct by Another Lawyer 37
 - 2J. Grievance Process and Disciplinary Investigation 39
 - 2K. ARDC Hearing Observation and Discussion 40
- 3. Civility 41
 - 3A. Issues of Incivility in Legal Profession 41
 - 3B. Professional Conduct Duties of the Lawyer to the Client and to the Administration of Justice 42
 - 3C. Bullying & Harassment 43
 - 3D. Discovery or Transactional Negotiations 44
 - 3E. Strategies for Managing Incivility 45
 - 3F. Dealing with Difficult Clients 46
 - 3G. Shadow a Negotiation 47
 - 3H. Shadow a Discovery Conference or Deposition 48
- 4. Diversity and Inclusion 49
 - 4A. Diversity and Inclusion in the Legal Profession 49
 - 4B. Personal Actions to Support Diversity and Inclusion 51
 - 4C. Increasing Diversity in Your Organization 53
 - 4D. Proper Self-Promotion 54
 - 4E. Diversity Awareness & Implicit Bias 55
 - 4F. Diverse Problem Solving 56
 - 4G. Allyship 57
 - 4H. Sponsorship 58
 - 4I. Attend a Diversity Workshop or Training 59
- 5. Wellness, Mental Health and Addiction 60
 - 5A. Career Paths 60
 - 5B. Career Objectives 61
 - 5C. Balance between Career and Personal Life 62
 - 5D. Substance Abuse and Mental Health Issues 64
 - 5E. Dealing with Feedback 65
 - 5F. Responding to Others in Need 66
 - 5G. Well-Being Techniques 67
 - 5H. Emotional Intelligence 68

1. Professionalism

1A. Introduction to Bar Association and Networking

The following points are suggested for a discussion about the organized bar and the advantages of being involved in bar association activities:

1. Attend a meeting/event of an organized bar association together and introduce the mentee to other lawyers in attendance.
2. Give the mentee examples of local, state, specialty, and national bar associations and discuss the differences among them. Examples:
 - a. Local: Champaign County Bar Association, Chicago Bar Association;
 - b. State: Illinois State Bar Association, Women's Bar Association of Illinois;
 - c. National: American Bar Association;
 - d. Specialty: National Organization of Bar Counsel, Illinois Trial Lawyers Association, Illinois Association of Defense Trial Counsel, Association of Corporate Counsel, American Inns of Court; and
 - e. Affinity: Alliance for Women, Hispanic National Bar Association, Decalogue Society.
3. Provide the mentee brochures or website links to local, specialty, or national associations so that the mentee can review information about each in their spare time.
4. Share with the mentee the associations in which the mentor is a member, the reasons the mentor chose to be involved in the associations, the activities the mentor is involved in at the associations, and how involvement in the associations has benefited the mentor.
5. Discuss with the mentee what differences exist between Sections and Committees of particular associations. Is a particular association more well-regarded in a substantive area over others (*e.g.*, would a specialty bar association or a particular committee of the state bar association be more helpful to further the mentee's particular interests)?
6. Provide to the mentee examples of activities one can become involved in as a member of an association. Discuss specific reasons why one may want to be involved in those activities. Emphasize opportunities presented by New/Young Lawyer Divisions within bar associations, which often offer free membership to new attorneys and provide educational programming, resources, and publications, and an entry point for getting involved in bar activities.

The following points are suggested to facilitate a discussion about networking within the legal community and, in particular, to help the mentor introduce the mentee to one or more attorneys with similar interests:

1. Discuss the mentee's interests, including professional interests. What type of contacts would be appropriate and helpful for the mentee to have?
2. Select at least one attorney colleague having interests similar to the mentee (preferably outside the firm if the mentee also practices in the same firm) and arrange for a meeting to introduce the new attorney to your colleague/friend. What shared interests do they have? What advice would your colleague have for the mentee to open opportunities for the mentee in the shared areas of interest?

3. Discuss with the mentee your own networking experiences and the ways in which networking has helped you professionally and personally.

Articles:

[The Case for Bar Associations: Why They Matter \(2019\)](#)

[Networking: How Successful Lawyers Do It \(2019\)](#)

[The Introvert Lawyer's Guide to Networking \(2018\)](#)

[How Bar Associations Can Attract and Help New Lawyers \(2015\)](#)

[Social Media Networking for Lawyers: A Practical Guide to Facebook, LinkedIn, Twitter and Blogging \(2012\)](#)

Books:

[A Lawyer's Guide to Networking, 2nd Ed. \(2016\)](#)

1B. Introduction to Professional Development Organizations

The following points are suggested for a discussion about how to become involved with a bar association or other organizations (legal and non-legal) that will benefit their professional development.

1. Have a conversation with your mentee regarding the following:
 - a. The area of practice they are currently in or would like to explore in the future
 - b. Their hobbies outside of work
 - c. Areas of personal strength
 - d. Areas of self-improvement
 - e. What professional development means to them
 - f. What are their professional development goals
2. When those questions have been discussed and answered, have your mentee create a list of 2-3 organizations (legal only) that can assist in their specific professional development goals and one organization that appeals to a hobby or activity not related to work.
3. Review the list of organizations created by your mentee and collect all available information pertaining to:
 - a. Membership requirements
 - b. Meeting Schedules
 - c. Events and activities sponsored by the organizations
 - d. How membership in each organization will advance your mentee's professional development goals.
4. Bring your mentee to a meeting or event sponsored by an organization you are a member in or attend a meeting or event sponsored by one of the organizations your mentee is interested in becoming a member.
5. Provide any contacts within the desired organizations you have to your mentee and arrange an informational interview between the two to discuss the organization and benefits of membership.
6. Encourage your mentee to become active in their chosen organizations and support their desires to participate in events and activities sponsored by the organization.

Resources:

[ABA Professional Development](#)

Articles:

[Working with a Professional Development Coach \(2019\)](#)

[Professional Development for Lawyers \(2016\)](#)

[Increase Your Exposure Through Community Involvement \(2015\)](#)

Videos:

[Maximize Your Bar Association Membership \(2019\)](#)

1C. Introduction to the Courthouse

The following points are suggested to facilitate a discussion about the local courthouses and court personnel.

1. Discuss the local court rules or orders and how they impact your conduct. Discuss whether different judges have different views or interpretations of the local rules, and different courtroom practices. To the extent possible, share information in this regard about the preferences of the judges before whom the mentee is likely to appear.
2. Go to the local courthouses, particularly those courts where the mentee will primarily be appearing, and, to the extent possible, introduce the mentee to members of the judiciary, court personnel, and clerks of court.
3. Show the mentee the location of the clerk's office. Explain e-filing procedures and docket searching. Share tips you and your staff have found helpful, *e.g.*, templates you may use for reoccurring filings.
4. Discuss protocols and advice for e-filing documents with various courts.
5. Ask the bailiff and/or court clerk to share court protocols with the mentee. Items such as whether lawyers are required to check in before a hearing, whether simple or uncontested matters are called ahead of the regular docket, how a lawyer should handle a situation where s/he is covering two cases scheduled at the same time, whether courtesy copies are expected and when, whether draft orders should be proposed with courtesy copies, and how far in advance of an appearance the judges receive the files.
6. Introduce the mentee to the court's reporters and discuss the procedure for obtaining a transcript from them. If there are no reporters provided by the court, discuss the necessity and procedure for privately obtaining a reporter.
7. Ask the judges introduced to the mentee to share any pointers they have for handling a case in front of them.
8. Explain the roles of different court staff, including the clerks, the bailiffs, and the judge's assistants. Discuss the appropriate demeanor with court personnel.
9. Explain the protocol for meeting with a judge, such as how to get to a judge's chambers, or who should be contacted to set up a meeting. Discuss examples of *ex parte* contact and how to avoid it.
10. Discuss when it is appropriate to enter a courtroom that is in session.
11. Discuss how a judge is customarily addressed in court, at formal functions and events, in social settings, or at the grocery store. Does this custom change depending upon how often you appear before the judge or the capacity in which you know the judge? For example, if you are a prosecutor and appear before the same judge/magistrate every day? Or if you don't appear before the judge in court, but you are on a bar association taskforce with their resulting in frequent meetings together?
12. Discuss the appropriate attire for lawyers in your local courts. Discuss how to advise your client to dress. Does your client's dress depend upon the type of case being litigated? What if your client does not have the proper attire to appear in court?

13. Discuss the importance of punctuality in court and the expectations of individual judges in this regard.
14. Discuss the appropriate demeanor with opposing counsel in and out of court. How should you address opposing counsel? What if you know opposing counsel well because you are often on opposing sides? Because you went to law school together? Because you are good friends? How should you react if opposing counsel has been underhanded or dishonest during your case? What types of recourse are there? Discuss tips for keeping calm during conversations with an opposing counsel who is unprofessional, such as yelling at you, attacking you personally, or threatening you.
15. Discuss courtroom technology that is available to litigators such as overhead projectors, Elmos, microphones, computers, and Wi-Fi. Provide contact information for or introduce the mentee to the court personnel who should be contacted when the mentee is interested.
16. What is the appropriate demeanor with your clients both in and out of court? Discuss the importance of sensitivity towards your clients.
17. Discuss the importance of associating with local counsel if you are handling a case outside your community. What are the benefits and disadvantages to doing so? How do you go about finding local counsel in another community with which to associate yourself?
18. If you are acting as local counsel with an out-of-state/town lawyer, what is your relationship to each other and to the case? What do you do when the other counsel wants to completely control the litigation and your actions?
19. Discuss the ethics and etiquette of speaking on and off the record, in court, out of court, and about cases. How to handle contact with the media. Where the balance of protecting your client and the freedom of information exists under [Illinois Rule of Professional Conduct 3.6](#).

Articles:

[How Courts Work \(2019\)](#)

[What Judges Want \(2019\)](#)

[Are You Acting in the Courtroom? \(2017\)](#)

[Courting Insight: Body Language on Trial \(2013\)](#)

[Watch Your Courthouse Demeanor \(2012\)](#)

[ISBA, New Lawyer Survival Guide \(2003\)](#)

[Tips for Success in the Courtroom](#)

1D. Observe Courthouse Proceedings

The following points are suggested for a discussion about observing a courtroom proceeding that will benefit their professional development.

1. Ensure you inform your mentee before entering of the expected courtroom procedures:
 - a. Eating and drinking policies
 - b. Courtroom etiquette for cellular telephones
 - c. Expected courtroom dress and demeanor
2. Make every attempt to expose your mentee to as many courtroom proceedings as possible. This variety, of both case type and judges, will allow for maximum education to your mentee.
3. Have your mentee write down questions or points of clarifications during each proceeding to be discussed immediately after.
4. Have the mentee evaluate each legal professional in the proceedings. This will allow for your mentee to identify strong and weak courtroom actions.

Resources:

[Illinois Supreme Court – Courtroom Etiquette](#)

[Cook County – Rules of the Court](#)

[Practitioner’s Handbook for Appeals, 7th Circuit \(2019\)](#)

Articles:

[What To Know When It Comes To Courtroom Etiquette \(2017\)](#)

1E. Observe Transactions

The following points are suggested for a discussion about observing a transaction that will benefit their professional development.

1. Secure all proper permissions from all parties before scheduling each transaction for your mentee to observe.
2. Ensure you inform your mentee the expected procedures for each transaction they are to observe:
 - a. Any specific dress codes/expected demeanor during the transaction
 - b. Any insight into the procedure for the transaction
3. Your mentee should be introduced to all parties present and encouraged to ask appropriate questions.
4. After the first transaction you and your mentee attend, encourage them to preview as many possible alone.
5. Have your mentee evaluate the entire transaction and record any questions for immediate discussion with you.

Resources:

[Transactional Lawyering: Resources and Tips \(Harvard, 2020\)](#)

1F. Responsibility to Improve the Administration of Justice, Pro Bono Service, and Access to Justice

The following points are suggested to facilitate a discussion about the lawyer's responsibility to improve the administration of justice, pro bono opportunities and access to justice issues.

1. Discuss ABA, Illinois, and local aspirations for levels of pro bono service. Read and discuss the [Preamble of the Illinois Rules of Professional Conduct](#). Discuss pro bono goal-setting with the mentee. Explain that a lawyer's duty to render pro bono publico services encompasses not only the donation of time, but also a duty to contribute financially to organizations delivering services to those of limited means as defined under Illinois Supreme Court Rule 756(f). Discuss the annual disclosure rules as a part of the ARDC registration process, and suggest that the lawyer look to the [Equal Justice Illinois](#) campaign, bar foundations, or other organizations as donation opportunities.
2. Discuss any pro bono activities in which you are involved. What led you to become involved in these matters? What have you gained from these experiences?
3. Discuss the meaning of "access to justice." What is the role of a lawyer in ensuring access to justice? What happens when litigants attempt to access the justice system without the guidance of an attorney? How do unrepresented pro se parties in the courtroom affect the efficient administration of justice?
4. If the mentee works in the same firm/organization, discuss the firm's pro bono policy. What hours count toward minimum billing requirements, if applicable? Are there limits to what the firm will "count" toward an attorney's annual hours? Who is the appropriate contact person to express interest in pro bono matters?
5. Discuss how the new attorney might bring in a new pro bono matter as a new client for their organization. How would the attorney ensure a new client and matter were acceptable to the firm? What are the procedures for opening new client matters? What is the conflicts procedure to ensure there are no conflicts in representing the new client?
6. Discuss [Rule of Professional Conduct 6.5](#), easing conflicts rules in nonprofit and court-annexed limited legal services programs.
7. Explain that in taking on a pro bono case, the mentee may be able to limit the scope of representation in the matter through "unbundling" of legal services. Direct the lawyer to the ABA clearinghouse on [unbundled legal services section](#) for guidance on how unbundling works.
8. Provide the new attorney with resources from which the new attorney may discover an organization whose work interests their. Local and state bar association foundations often list organizations funded on their websites or in their annual reports, which may also provide helpful information. Encourage the mentee to explore [pro bono opportunities available on the ABA](#) website and the [Illinois pro bono](#) website.
9. If the mentee works in a public interest practice, talk about the issue of student loans and what impact repayment of these debts might have on the lawyer's long-term public interest commitment. Direct the lawyer to [loan repayment program resources](#).
10. Sign up to be a volunteer attorney on [Illinois Free Legal Answers](#), a secure website where low-income Illinoisans can ask a lawyer for help with a civil legal issue. Consider answering a question waiting in the queue, similar to a virtual walk-in legal clinic.

11. If appropriate, consider working on a pro bono matter together.

Resources:

[Illinois Supreme Court Pro Bono Rules](#)

[Chicago Bar Association Pro Bono Information](#)

[Chicago Bar Foundation](#)

[Illinois Bar Foundation](#)

[Illinois Pro Bono Volunteer Opportunity Search](#)

[The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans](#)

[Standing Committee on Pro Bono and Public Service](#)

[Illinois Free Legal Answers](#)

Articles:

[Illinois Legal Aid Online, What Work Is Pro Bono?](#)

1G. Find Pro Bono Experience

The following points are suggested for a discussion about finding pro bono experiences that will benefit their professional development.

1. Discuss with your mentee why Pro Bono Services are so important to the larger legal profession and to lawyers specifically.
2. Create a list of legal aid services/organizations in your area:
 - c. Legal aid Centers
 - d. Law School Legal Services for Communities
 - e. Expungement hearing representation
3. Advise your mentee how to select clients for Pro Bono services:
 - a. How much time you should reasonably spend with a client
 - b. How many Pro Bono hours a year are required/suggested
4. Sign up to be a volunteer attorney on [Illinois Free Legal Answers](#), a secure website where low-income Illinoisans can ask a lawyer for help with a civil legal issue. Consider answering a question waiting in the queue, similar to a virtual walk-in legal clinic.
5. Explain all the expected duties and responsibilities required of Pro Bono work.
6. Share personal accounts with your mentee about your previous or current Pro Bono activities.

Resources:

[Illinois Supreme Court Pro Bono Rules](#)

[Chicago Bar Association Pro Bono Information](#)

[Chicago Bar Foundation](#)

[Illinois Bar Foundation](#)

[Illinois Pro Bono Volunteer Opportunity Search](#)

[The Legal Aid Safety Net: A Report on the Legal Needs of Low-Income Illinoisans](#)

[Standing Committee on Pro Bono and Public Service](#)

[Illinois Free Legal Answers](#)

Articles:

[Illinois Legal Aid Online, What Work Is Pro Bono?](#)

1H. Law Office Management

The following points are intended to facilitate a discussion about the mentor's law office, how it is managed, and where to locate resources for learning more information about law office management issues. This section is designed to address issues beyond those relevant to either the mentor's or the mentee's current employment and beyond the minimal requirements delineated in the Illinois Rules of Professional Conduct. However, see [Rules 1.3, 1.4, 1.5](#) and the related comments for reference.

1. Explain how client files in mentor's office are managed and discuss the best practices for at least the following related issues:
 - a. Client Management Software.
 - b. Time records.
 - c. Records of client-related expenses.
 - d. Billing system.
 - e. Conflict check procedures.
 - f. Client retainer and/or payment schedules.
 - g. Fee agreements, including Alternative Fee Arrangements (AFAs) such as fixed-fee and common fee agreements, the advantages and disadvantages to each, ethical considerations surrounding each, examples of improper provisions in fee agreements, and the importance of using engagement, non-engagement and disengagement letters.
 - h. Escrow and trust accounts, including establishing an IOLTA, the how-to of account/auditing, use of interest proceeds, and proper procedures for handling funds and other property belonging to a client. (See Client Trust Account Handbook available on website of [ARDC](#), IOLTA Resources for Attorneys on website of [Lawyers Trust Fund](#))
 - i. Filing and e-filing systems, including procedures for opening and closing files, procedures for conflict checking, creating a checklist for new files, the importance of preparing a case memorandum and case plan, how to document the progress on cases, organizing both the file contents and the office filing system, and file inventory and review procedures.
 - j. Document retention plan, e-files, and back-ups, as well as cloud computing and related issues such as confidentiality.
 - k. Calendar and other reminder systems.
 - l. Information technology systems, including docketing software.
 - m. Methods of keeping clients informed about the progress of their matters.
 - n. Library and research systems.
 - o. Client feedback and key performance indicators (KPIs).
 - p. Other resources (publications, seminars, equipment, etc.).

2. Discuss staff, resources, and other administrative issues in mentor's office, including the best practices for at least the following matters:
 - a. Mail distribution procedures.
 - b. Procedures for handling telephone calls, including when they should be returned.
 - c. Procedures for handling electronic communications, including when email or text messages should be used or avoided in favor of other methods of contact.
 - d. Considerations in purchasing office furniture and where it can be purchased.
 - e. Library and research systems.
 - f. Considerations in purchasing office equipment and the types which are essential and/or most helpful.
 - g. Other resources (publications, seminars, equipment, and the like) that a new lawyer might find particularly helpful in their work.

- h. Personnel, including identifying employees who are needed to run the office efficiently and the benefits and disadvantages of hiring different types of employees (*i.e.*, traditional, independent contractor, temporary).
 - i. Employee selection, including interviewing techniques, background investigations, extending offers, and maintaining personnel files.
 - j. Employment and discrimination laws of which an employer must be aware.
 - k. Supervising staff, handling employee discipline and preventing the unauthorized practice of law and the unethical practice by associates.
 - l. Considerations in purchasing liability and other types of insurance.
3. Share with the mentee ethical and professional marketing and business development techniques, effective rainmaking tools, and how to create a marketing plan for a firm. Discuss the appropriate uses of social media.

Resources:

[American Bar Association Law Practice Section](#)

[American Bar Association Lawyers' Professional Liability, State List of Malpractice Insurance Coverage](#)

[American Bar Association Young Lawyers Division E-Library](#)

[ABA's Buyer's Guide to Practice Management](#)

[Illinois State Bar Association Standing Committee on Law Office Management and Economics](#)

Articles:

[Numerous articles on legal marketing](#)

[7 Types of Tech Tools to Help Lawyers Set Up Virtual Offices \(2020\)](#)

[The Ins and Outs of Law Practice Management Software \(2019\)](#)

[Client Communications Checklist for Law Firms \(2018\)](#)

1I. Time Management

The following points are intended to facilitate a discussion about effective time management skills and techniques. See [Illinois Rules of Professional Conduct 1.3, 1.4](#) and related comments sections.

1. Discuss ways to handle situations where the mentee becomes overloaded with work. If in an in-house relationship (both the mentor and mentee work in the same firm), discuss realistic expectations about the workload of new lawyers in your office and ways to cope with those expectations.
2. Share with the mentee techniques you use which have proven successful in the management of your time.
3. Together, work on a practical plan for managing the mentee's time, including how to prioritize work, ways to refuse work without jeopardizing the mentee's reputation or treatment by others, and ways to stay organized.

Articles:

[Taking Control of Lawyer Business Development: Time Management Tips for Busy Lawyers \(2019\)](#)

[Tracking Time to Save Time \(2019\)](#)

[7 Lawyer Time Management Issues and How to Avoid Them](#)

Need ABA membership to read:

[Time Management for the Successful Lawyer \(And Law Student\) \(2011\)](#)

1J. Staffing Legal Matters

The following points are intended to facilitate a discussion about how to staff litigation and transactional matters.

1. If you work for the same employer, does your organization have specific protocols for staffing matters?
2. Again, if you work for the same employer, discuss how different clients expect (or demand) that matters be staffed.
3. Walk the mentee through the creation of an actual project plan and fee estimate. Discuss how to anticipate and plan for contingencies.
4. Discuss pros and cons of various billing arrangements.
5. Discuss the use of staff attorneys, litigation support services and contract attorneys.
6. Discuss the use of project management software and productivity measurements (like Six Sigma) in the legal services context.

Articles:

[Complete Guide to Law Firm Hiring and Staffing \(last updated 2020\)](#)

[INSIGHT: Tips for Hiring the Ideal Legal Professional \(2019\)](#)

[Staffing Your Small Law Firm: Knowing When to Hire Help \(2017\)](#)

1K. Client Communication

The following points are intended to facilitate a discussion about the importance of client communication and how to maintain good on-going communication. Tips include the use of retention and fee agreements, keeping clients informed about matters, confirming matters in writing, and being on time. See [Illinois Rules of Professional Conduct 1.2, 1.4, 1.5, 1.16](#) and related comments.

1. Share with the mentee a personal example of how failing to communicate clearly with your client caused problems in the relationship. Conversely, share with the mentee a personal example of how communication with your client prevented or resolved problems that otherwise could have ended the attorney-client relationship.
2. Provide tips to the mentee on effective communication. Read and discuss the article: [Stewart Levine, Essentials of Effective Communication, Law Practice Today \(Mar. 2007\)](#).
3. Share best practices for communicating with clients, including practices like the following:
 - a. Sending copies of pleadings and correspondence to your clients.
 - b. Keeping clients involved in making decisions affecting their cases.
 - c. Returning calls personally and promptly, and handling email and other communication effectively.
 - d. Utilizing staff to provide exceptional customer service.
 - e. Confirming instructions and/or advice in writing.
 - f. Clarifying reasonable expectations about the representation.
 - g. Clarifying your role and scope of the representation from the outset and as it changes.
 - h. Explaining clearly the fee arrangement.
 - i. Promptly providing detailed billing records to your clients.
 - j. Being respectful to your clients in all communications.
 - k. Respecting clients' time.
 - l. Making sure your client understands the steps of the process, including what will happen next and the appropriate way to respond.
4. Discuss ways that a mentee can improve their client relations skills.
5. Discuss professional and ethical ways to thank a client and receive thanks/gifts from a client. See [Rule of Professional Conduct 1.8](#).
6. Discuss different types of client relationships (*i.e.*, with individual clients, government clients, and corporate clients) and provide tips for the best and most professional communication practices with the type of clients that the mentee is likely to have.
7. Discuss how a lawyer clearly defines the scope of representation in a retainer or engagement letter.
8. Discuss how to talk about fees with your client. Discuss how to set a fee with your client. Share with the mentee samples of fee agreements and engagement letters that you use in your practice. Or, if mentoring within a firm, share with the mentee the fee agreements and engagement letters which are used in your firm. Explain to the mentee why certain provisions are either included in your fee agreement or excluded from your fee agreement. See [Rule of Professional Conduct 1.15](#).
9. Discuss when terminating the lawyer-client relationship is appropriate and suggest the best ways to proceed and document doing so.

Articles:

[Three Tips for Using Technology to Communicate with Clients \(2019\)](#)

[Six Best Practices for Effective Client Communication \(2019\)](#)

[Can Lawyers Ethically Solicit Online Client Reviews? \(2019\)](#)

Courses:

[ABA Effective Client Communications--Increasing Your Impact by Avoiding the Mistakes that Lead to Dissatisfaction](#)

1L. Discuss Feedback

The following points are suggested for a discussion about receiving feedback that will benefit their professional development.

1. Obtaining Client Feedback:

- a. All Client Feedback should be taken seriously and used to better your interactions with clients in the future.
- b. Ensure your mentee knows that feedback (usually negative) is part of being an attorney and can always be used as a learning tool for future clients.
- c. Have your mentee start every client interaction with a phrase that indicates their desire for their client's feedback at all stages of representation.
- d. Your mentee should always be receptive.
- e. Mentee's should focus on being present and not just waiting to explain or thinking of what to say.
- f. Have your mentee practice active listening and really understand what the client's feedback is and where it comes from.

2. Responding to Client Feedback:

- a. Mentee should always be aware of their verbal and non-verbal communication towards clients.
- b. Your mentees should respond to the client's most salient points and not attempt to cover every piece of feedback.
- c. A mentee needs to recognize their ability/inability to change aspects of the client's feedback.
- d. Maintaining a calm demeanor is a must for all mentees.
- e. Your mentee should rely on their knowledge and expertise/experiences and be confident in their decisions.
- f. Always advise a mentee to respond to client feedback with purpose and not just react to their words.
- g. Before ending the feedback session with clients, a mentee should clarify all points and not play "mind reader" after the feedback session is concluded.

3. Obtaining Co-Worker Feedback:

- a. Remind your mentee that co-worker feedback is crucial to improving as a legal practitioner and feedback is not adversarial.
- b. Ensure your mentee that asking for feedback is acceptable and they should feel free to share with coworker their desire to hear critical observations of their performance.
- c. Your mentee should maintain the highest level of professionalism when receiving coworker feedback.

4. Responding to Co-Worker Feedback:

- a. Your mentee should collect all coworker feedback and share with you to develop strategies for improvements.
- b. Reassure your mentee that feedback both positive and negative can be used to grow within the profession and co-worker, especially those seasoned practitioners, have a great deal to teach them.
- c. Mentees should be encouraged to thank those coworkers that deliver feedback and invite further feedback when appropriate.

Articles:

[Can Lawyers Ethically Solicit Online Client Reviews? \(2019\)](#)

[Pulling for Feedback the Right Way \(2017\)](#)

[How to Advance in Your Career by Getting Useful Feedback \(2017\)](#)

[Law Firm Client Relations: How to Get Client Feedback that You Can Use \(2016\)](#)

1M. Proper Legal Counseling

The following points are provided to facilitate a discussion about proper legal counseling techniques and duties and responsibilities of advising clients.

1. Discuss the different functions a lawyer plays in representing clients, *e.g.*, advisor, evaluator, negotiator, advocate. Discuss the aspirational goals which encourage sharing with clients' non-legal considerations for their informed decision-making. Discuss the importance of not delving into areas that are outside a lawyer's expertise. Discuss how a lawyer balances these considerations. See Rules of Professional Conduct of 2010, Preamble, and [Rule 1.2](#).
2. Provide examples of the types of decisions in the mentor's practice in which s/he involves the client. Share tips on counseling the client for each of those decisions.
3. Discuss the importance of being sensitive to emotional aspect of clients' cases but not becoming emotionally involved in their matters. Discuss what you should do if you do become emotionally invested in your clients' cases. See [Illinois Rules of Professional Conduct 1.8\(j\)](#) regarding prohibited sexual relations.
4. Discuss the ethical obligations a lawyer has in advising their clients. What does it mean to make sure clients are informed in their decision-making? What should you do if your client elects a course of action against your advice? See [Illinois Rules of Professional Conduct 1.2, 2.1, 3.1, and 8.4](#) and related comments.
5. Discuss the basic elements and techniques for counseling a client, including the following:
 - a. Talking to the client about time, such as how long a matter will take, what could cause delay, or what the opposition could do to prolong it.
 - b. Considering cost, what types of expenses should be expected, and how much the case could end up costing.
 - c. Discussing the upsides and downsides of the case.
 - d. Focusing the interview. How to outline what will happen during the meeting with the client and keep on track.
 - e. Being a good listener.
 - f. Advising fully on all relevant considerations or consequences to a course of action.
 - g. Following up.
 - h. Informing the client of privilege issues when the client wants a third party involved during meetings.

Articles:

[The Benefits of Being an Empathetic Lawyer \(2019\)](#)

[A Whole New Mindset For Lawyers \(2016\)](#)

[An Inquiry Into Legal Counseling](#)

1N. Business Development

The following points are provided to facilitate a discussion about how to develop business.

1. Discuss what has worked for the mentor in terms of developing business over the course of their career. What organizations, activities and approaches have been most fruitful?
2. Work with the mentee on creating their own personal business development plan.
3. Discuss opportunities to develop potential referrals from other attorneys, either within or outside of your organization.
4. Discuss the proper use and role of advertising, including a consideration of [Rules of Professional Conduct 7.1-7.5](#) and related comments.

Articles:

[10 Business Development Tips for Attorneys \(2019\)](#)

[When it Comes to Business Development for Young Lawyers, Motive and Mindset Matter \(2019\)](#)

[Legal Business Development Done Right: Plan and Execute \(2019\)](#)

Books (for purchase):

[100 Plus Pointers for Business Development \(2013\)](#)

10. Client Intake

The following points are suggested for a discussion about the client intake procedure that will benefit their professional development.

1. Advise mentee to establish all reasonable expectations and responsibilities with their clients immediately before accepting any legal work.
2. With permission of potential clients, have your mentee attend client intake sessions you conduct and encourage your mentee to take notes and discuss the process after the intake has concluded.
3. Remind your mentee that the client intake meeting is the first impression a potential client will have of you as an attorney and a professional atmosphere is necessary.
4. Conduct mock client intake interviews with your mentee and review the results immediately after.

Articles:

[Tech Tips: Best Advice for Improving Client Intake \(2018\)](#)

[4 Client Intake Best Practices for Law Firms \(2018\)](#)

[Tips to Improve Client Intake and Experience in Your Law Practice \(2018\)](#)

1P. Alternative Dispute Resolution

The following points are provided to facilitate a discussion about the types of alternative dispute resolution (such as mediation, binding and non-binding arbitration, high-low arbitration, early neutral evaluation, court-annexed arbitration, summary jury trials, and collaborative representation) and the benefits and disadvantages of each.

1. Discuss the aspiration to counsel clients on how to resolve disputes by alternative methods. Should an attorney try to influence their clients to pursue a method of alternative dispute resolution?
2. Describe situations where a client may be better served by avoiding litigation. Discuss the principles in the article: [Stewart Levine, Resolutionary View: 10 Principles for Developing the Attitude of Resolution, Law Practice Today \(Sept. 2006\)](#).
3. Discuss the following types of alternative dispute resolution (among others you think of), the types of cases for which those forms of ADR are typically used, and the benefits and disadvantages of each:
 - a. Mediation
 - b. Binding and non-binding arbitration
 - c. High-low arbitration
 - d. Early neutral evaluation
 - e. Court-annexed arbitration
 - f. Summary jury trials
 - g. Private judges
 - h. Collaborative representation
4. Share with the mentee stories of your successes with ADR.
5. Discuss when to consider ADR as a possible means for resolving a case (particularly in the mentee's practice area) and how to talk to your client about it.
6. Identify local resources for attorneys who would like to use ADR for resolving cases, including local ADR programs, court programs, and mediation or arbitration services. Are any of the courts in which the mentee practices requiring mediation or arbitration before proceeding to court? Discuss training opportunities and other resources for lawyers who are interested in becoming mediators or arbitrators.
7. Discuss [Rule of Professional Conduct 2.4](#) defining the duties of lawyers who serve as third party neutrals.
8. If applicable, discuss court rules regarding mandatory mediation or arbitration.

Resources:

[ABA Section of Dispute Resolution](#)
[Illinois Court ADR Sourcebook](#)

1Q. ADR Observation and Discussion

The following points are provided to facilitate a discussion about the process of at least one type of ADR proceeding.

1. Describe situations where a client may be better served by avoiding litigation, which alternative dispute resolution proceeding may be the preferred option, and why.
2. Discuss when it would be appropriate to advise a client to include an ADR clause in agreements. Which type of ADR? What are the benefits? Disadvantages? What are considerations in drafting such clauses?
3. Discuss what different types of ADR you have experienced (such as facilitative, evaluative, or transformative mediation) and the benefits or disadvantages of each.
4. Invite the mentee to observe mediation or other ADR proceeding, either one of your own or arrange for the mentee to observe a colleague's.
5. If you have represented a client in mediation or other ADR, discuss your preparation and strategy with the mentee. How did you prepare your client? How did you prepare for the proceeding, and in what ways, if any, did it differ from your preparation strategy for litigation?
6. Share your reflections on previous ADR experiences with your mentee. What might you do differently for your next mediation?
7. Discuss your process for selecting a mediator or arbitrator. What qualities do you and your colleagues look for in determining the best fit? As a reference, it may be helpful to consult the websites of JAMS, AAA, USAM or others to review mediator biographies with the mentee.
8. If the mentee is interested in learning more about the mediation process or becoming trained as a mediator, contact the [Center for Conflict Resolution](#) to inquire about upcoming mediation skills trainings or CLE offerings on mediation and related topics in Chicago. In addition, area law schools and continuing education programs may be good resources for mediation introductory programs and skills training.

Resources:

[Collaborative Law Act](#)

[ABA Section of Dispute Resolution](#)

[Illinois Court ADR Sourcebook](#)

[JAMS](#)

[American Arbitration Association](#)

[United States Arbitration and Mediation](#)

[Cutting Edge Law](#)

[Illinois Academy of Mediators & Arbitrators](#)

1R. Explore Intraoffice Communications

Whether you both work in a government, corporate or law firm setting, use this opportunity to facilitate a discussion about the relations and communication among various segments of your organizations.

1. Discuss the other segments the mentee is likely to have contact with. Describe the roles of each, and how the interactions generally take place.
2. Introduce the mentee to individuals and ask them to briefly describe their role.
3. Describe methods of communication best practices and address sensitive issues that may arise, including resource limitations and unwritten protocols.

Articles:

[Slack App to Increase Your Family Law Team's Productivity \(2019\)](#)

[7 Online Collaboration Tools Every Attorney Should Use to Grow their Practice \(2018\)](#)

[Five Ways to Improve Office Communications in Your Law Firm \(2018\)](#)

[Seven Communication Styles That Can Improve Law Firm Performance and Enhance Firm Profitability](#)

2. Legal Ethics

2A. Client Confidentiality

The following points are intended to facilitate a discussion about practices for maintaining client confidentiality.

1. Discuss the importance of client confidentiality and refer to [Illinois Rule of Professional Conduct 1.6](#).
2. Discuss common mistakes that inadvertently cause violations of client confidentiality and share practical pointers in and outside one's office for safeguarding confidential information. Among other things, examples for discussion could include:
 - a. Proper procedures for file keeping and ensuring that clients who visit your office do not see information about other client matters.
 - b. Propriety of discussing your client's case in public (even at the courthouse).
 - c. The consequences of discussing confidential information with your client when a third party is present by invitation of your client (like a spouse).
 - d. Office procedures for maintaining and destroying client files which impact client confidentiality, including protections from inadvertent or unauthorized disclosure inherent in cloud computing.
 - e. Discuss the potential hazards of using texts, email and fax to communicate confidential information about a case.
3. Give specific examples of client information which is confidential and when such information should or should not be revealed. Examples include: the propriety of disclosing that you have been retained by someone; disclosing the name of your client to a third party; or sharing information about your client's case to opposing counsel during negotiations.
4. Discuss the appropriate ways to obtain waiver of privilege and the circumstances in which it is likely to be obtained in the mentee's area of practice. Discuss the differences between implied and express waiver and identify conduct which effectuates waiver.
5. Discuss a lawyer's obligations with regard to revealing client fraud.
6. Discuss a lawyer's obligation to maintain confidentiality of clients who consult with the lawyer but who do not hire them, or who the lawyer ultimately refuses to represent.
7. Discuss a lawyer's obligation to maintain client confidences after the termination of the attorney-client relationship.
8. Discuss the practical concerns that arise when a third party pays for a client's representation and wants to communicate to the client's lawyer about the representation. Discuss the duties owed to the client.
9. Discuss client confidentiality issues likely to arise in the mentee's practice area. For example:
 - a. When the mentee's client is a corporation, which communications are confidential and with whom at the corporation can the mentee discuss confidential information?
 - b. When the mentee's client is the government (or a government entity), with whom can the mentee discuss confidential information? What obligation does the mentee have to inform the public about the matters being prosecuted? What obligation does the mentee have to inform the victim of a crime about an investigation or prosecution of a suspect?

10. Discuss practical issues that must be resolved when sharing office space with lawyers not in the same firm regarding safeguarding confidential information of clients. What if the lawyers share staff like a receptionist, secretary, or a paralegal?
11. Discuss how to handle a situation where a lawyer inadvertently receives a document containing what appears to be privileged information about an opposing party in pending litigation.
12. Discuss the exceptions that exist in [Rule 1.6](#), allowing disclosure of confidential information, and provide examples of situations where such exceptions would apply. Share with the mentee your firm's procedures to ensure that the law firm staff does not inadvertently disclose client confidences.

Resources:

[ABA, Attorney-Client Privilege](#)

Articles:

[What are Your Confidentiality Obligations to Prospective Clients? New ABA Ethics Opinion Weighs In \(2020\)](#)

[Confidentiality and Client Communications in Illinois \(2019\)](#)

[How to Ethically Store and Transmit Client Information in the Cloud \(2018\)](#)

[ABA Reminds Lawyers that Confidentiality Obligations Apply to Online Public Commentary \(2018\)](#)

Courses:

[The Buck Stops Here: Ethics and Professionalism for In-House Counsel](#)

2B. Conflicts of Interest

The following points are intended to facilitate a discussion about how to screen for, recognize and avoid conflicts of interest. See [Illinois Rules of Professional Conduct 1.7, 1.8, 1.9, 1.10](#).

1. Discuss the importance of adequately screening for conflicts of interest. Share with the mentee the firm's procedure for screening for conflicts (if in an internal mentoring relationship) or the mentor's office procedures for screening for conflicts (if in an external mentoring relationship).
2. Explain the importance of including prospective clients and declined clients in a conflicts database. Are these clients treated like former clients in terms of conflicts? What does this mean if another client comes along with interests adverse to the prospective client who never hired the lawyer? See [Rule of Professional Conduct 1.18](#).
3. Discuss different types of conflicts of interest that can arise, particularly in the mentee's practice areas or office setting.
4. Give examples of conflicts which can be waived with informed consent. Explain how to document your clients' consent to conflicts.
5. Discuss the substantial relationship test which, when met, prohibits a lawyer from representing a client against a former client. Discuss whether informed consent by the former client can cure the conflict.
6. Discuss screening walls, when they apply and, practically speaking, how a law office manages them. What may the mentee share with others within the same firm if a screening wall exists? What is the office protocol for such matters?
7. Discuss how conflicts are handled when a lawyer moves to a different firm. Should a lawyer be concerned about the same issues when hiring non-lawyer personnel who come from another firm?
8. Discuss the propriety of working on a case where opposing counsel is a spouse, close relative, or any person with whom the lawyer shares a close personal relationship. Does client consent cure the potential problem?

Articles:

[Don't Overlook Training for Conflicts of Interest \(2017\)](#)

[Watch Out for These Common Attorney Conflict of Interest Traps \(2015\)](#)

[Lawyer Disqualification for Conflict of Interest \(2013\)](#)

[An Invitation to Malpractice \(Part II\): Once a Conflict of Interest Is Spotted, Take Action Promptly \(1993\)](#)

Courses:

[The Buck Stops Here: Ethics and Professionalism for In-House Counsel](#)

2C. Legal Professionals & Workplace Culture

The following points are intended to facilitate a discussion about the roles and responsibilities of paralegals, secretaries, and other office personnel and how to establish good working relationships with others in the same office who are support staff, colleagues, or senior attorneys. See [Illinois Rules of Professional Conduct 5.1, 5.2, 5.3](#).

1. Explain to the mentee each non-lawyer employee's role in the mentor's office/firm, including the employee's title, job duties, and relationship to the mentee (if any) if in an in-house mentoring relationship.
2. Discuss the importance of having support staff on your team and treating them with respect.
3. Share suggested "dos and don'ts" of dealing with support staff, colleagues, and those more senior than the mentee. Discuss when it may be appropriate (or not) to socialize, provide gifts, or discuss potentially controversial issues such as politics or religion.
4. If the mentee has an assistant, secretary and/or paralegal, explain the types of tasks that are appropriate (and inappropriate) to ask each of them to do.
5. If in an internal mentoring relationship, discuss other support resources and when it would be appropriate to assign work to them.
6. If in an in-house mentoring relationship, discuss the office culture in terms of the types of tasks new lawyers are expected (although perhaps not told) to do rather than support staff. For example, if in an office where many lawyers share one secretary, do the newer lawyers handle tasks like making their own changes to documents or making their own copies so that the secretary can focus on doing those tasks for the more senior lawyers?
7. If in an in-house mentoring relationship, discuss any considerations or prohibitions in asking support staff to put in time outside of normal office hours, including whether requests for overtime must be approved, whether overtime requests must only be made on a limited basis, and how much advance notice is typically expected when asking staff to stay later than normal office hours.
8. If in an internal mentoring relationship, discuss the specific skills and knowledge each support staff member has from which the mentee can learn or benefit.
9. Make suggestions about how to handle difficult situations where the mentee's assistant/secretary is not performing as expected. In an internal mentoring relationship, explain any office procedures that are in place to address this type of problem.
10. Discuss the types of behavior that constitute the unauthorized practice of law in Illinois and to the extent possible, define the "practice of law." See [Rule of Professional Conduct 5.5](#). Discuss an attorney's ethical obligation to prevent the unauthorized practice of law and provide specific tips on how to prevent non-lawyer personnel from inadvertently (or intentionally) engaging in it.
11. Discuss the office policies that are in place to prevent the unauthorized practice of law by non-lawyer staff.
12. Share with the mentee appropriate ways to monitor the work product of support staff and resources for which the mentee is ultimately responsible as an attorney. Discuss expanded

obligation of [Rule 5.3](#) to supervise non-lawyer “assistance” versus former Rule referring to “Assistants.”

13. Suggest appropriate ways for the mentee to socialize and get to know other attorneys and judges in the community.
14. Discuss the types of social or office behaviors that could be perceived as detrimental for a new lawyer’s career, both with colleagues inside and outside of the mentee’s office.
15. If in an internal mentoring relationship, discuss the office policies and culture with regard to decision-making and the mentee’s authority to do so.

Articles:

[Workplace Civility: Leaders Can Make a Difference \(2018\)](#)

[Letters to the Workplace Generations \(2018\)](#)

[Confronting Lawyer Turnover in Law Firms \(2018\)](#)

[Leading Culture Change—It’s Time \(2018\)](#)

[Profanity in the Legal Workplace \(2018\)](#)

[The Shifting Attitudes of Workplace Millennials \(2017\)](#)

[10 Strategies for Bringing More Love into the Law \(2015\)](#)

Courses:

[The Buck Stops Here: Ethics and Professionalism for In-House Counsel](#)

2D. How to Involve Clients in Their Cases

The following points are intended to facilitate a discussion about the responsibilities of the client and the lawyer in decision-making and the best ways to involve a client in their case. See [Rule of Professional Conduct 1.2](#).

1. Discuss the ethical importance and necessity of involving clients in decision-making in their cases.
2. Provide examples of the types of decisions in the mentor's practice in which s/he involves the client, including, among other things, the way in which the client is involved, the reasons for involving the client in those instances, and the reasons for not involving the client in certain decisions which the mentor makes.
3. Discuss the difficulty in knowing what instructions are given (or not given) by a client and some traps that a lawyer (particularly in the mentee's practice area) can fall into regarding identifying the client instructions.
4. Share best practices that the mentor has adopted in their practice to document client instructions for their files, including confirming in writing to the client the instructions that were given and the steps that were or were not taken.

Articles:

[Client Relationships: 4 Family Lessons to Make Clients Happier \(2018\)](#)

[The Client Relationship Meeting \(2017\)](#)

Courses:

[The Buck Stops Here: Ethics and Professionalism for In-House Counsel](#)

2E. Legal Ethics Case Analysis

The following points are suggested for a discussion about legal ethics that will benefit their professional development.

1. Remind your mentee that legal ethics are extremely important and should always be considered.
2. Share with your mentee a recent legally ethical situation you were involved in and emphasize the following:
 - a. What was the ethical legal issue.
 - b. How did you identify it (if not obvious).
 - c. How did you solve the ethical issues.
 - d. What was the result of your actions.
3. Create a list of common legal ethical situations new lawyers encounter and discuss strategies to recognize and avoid those situations.

Resources:

[ARDC Filings, Decisions, Hearings Schedules](#)

[ISBA Ethics Page](#)

[Search recent ISBA attorney discipline news](#)

Articles:

[We Come in Peace: ARDC Pilots Intermediary Program \(2019\)](#)

[The Feared 14-Day Letter: What to Do and Not Do When the ARDC Comes Knocking \(2018\)](#)

Courses:

[The Buck Stops Here: Ethics and Professionalism for In-House Counsel](#)

2F. Negotiations

The following points are intended to facilitate a discussion about negotiating with another lawyer and potential issues associated with negotiations.

1. Discuss how a lawyer should prepare for negotiation of a legal matter, including when and how negotiation should be initiated, particularly in the mentee's area of practice.
2. Discuss ways to involve the client in negotiation.
3. Share with the mentee tips for negotiating with an attorney with years of experience, a friend, or someone with whom you do not get along.
4. Discuss the ethics and professionalism issues in negotiating on behalf of your client. In particular, discuss the duty to disclose facts which have a material impact on the negotiation as reflected in [Rule of Professional Conduct 4.1](#).
5. Talk about the skills that are needed to be an effective negotiator and how to acquire them.
6. Share "best practices" with the mentee on how to appropriately deal with others on behalf of your client.
7. Share with the mentee stories of attorneys who have ultimately harmed their client because of their incivility and lack of consideration in dealing with opposing counsel, the judge or the jury.

Articles:

[In Negotiation, How Much Do Personality and Other Individual Differences Matter? \(2020\)](#)

[Negotiate to Win \(2019\)](#)

[The Five Golden Rules of Negotiation for Lawyers \(2019\)](#)

[Improving Negotiation Skills: Rules for Master Negotiators \(2018\)](#)

[7 Negotiation Tactics They Won't Teach at Law School \(2016\)](#)

[How to Negotiate Like a Lawyer \(2015\)](#)

2G. Common Malpractice and Grievance Traps

The following points are intended to facilitate a discussion about common malpractice and grievance traps and how to recognize and avoid common pitfalls.

1. Discuss common malpractice mistakes, particularly in the mentee's practice areas, and share ways to avoid them.
2. Communication issues are the most common type of grievance complaint from clients. Discuss ways to best communicate with clients and to avoid such problems.
3. Give the mentee practical pointers on other types of practices in which s/he should engage to minimize client dissatisfaction and client complaints, including involving the client in their representation and particularly in the mentee's practice areas.
4. Share with the mentee your organization's procedures to ensure that the law firm staff does not inadvertently disclose client confidences.
5. Suggest resources that the mentee may consult for making important ethical decisions, including the following:
 - a. Provide suggestions for finding ethics counsel and when such action is recommended.
 - b. Identify helpful ethics materials and discuss the importance of supplementing general ethics resources with independent research on Illinois's disciplinary case law.
 - c. Identify ethics inquiry services of bar associations.
 - d. Discuss procedures for requesting or researching ethics advisory opinions of bar associations.
6. Discuss the reasons for maintaining malpractice insurance and considerations for choosing the right policy.
7. Discuss the best time to involve a malpractice carrier into a claim against you for malpractice liability or ethical misconduct.
8. Discuss the impropriety of settling claims for malpractice with your client.
9. Discuss the impropriety of asking your client to sign a fee agreement that provides for arbitration in the event of a fee dispute, malpractice claim, or ethical misconduct allegation.

Resources:

[Illinois Attorney Registration and Disciplinary Commission Ethics Inquiry Program](#)
[Illinois State Bar Association Ethics Hotline](#)

Articles:

[Use Succession Planning as a Risk Management Tool \(2020\)](#)
[How to Avoid 10 Common Ethics Pitfalls \(2020\)](#)
[Legal Malpractice Attorney Offers Insight \(2019\)](#)
[Four Ways Law Practice Management Software Helps Prevent Legal Malpractice Claims \(2018\)](#)
[How to Wisely Select Your Legal Malpractice Insurance Carrier \(2017\)](#)
[Young Lawyers: Build Good Practice Habits and Avoid Malpractice Claims \(2017\)](#)
[Malpractice Claims in a Diverse World \(2016\)](#)

2H. Dealing with Others on Behalf of Your Client

The following points are intended to facilitate a discussion about appropriate ways (including ethical concerns and protocol) for dealing with others on behalf of your client. See [Rule of Professional Conduct 3.3](#).

1. Discuss a lawyer's ethical obligation to be honest with other parties and the court in all dealings with them.
2. Discuss the importance of dignified, honest, and considerate transactions.
3. Discuss the importance of reputation and how a lawyer's conduct dealing with others in a case is pivotal to their reputation.
4. Share "best practices" with the mentee on how to appropriately deal with others on behalf of your client.
5. Share with the mentee stories of attorneys who have ultimately harmed their client because of their incivility and lack of consideration in dealing with opposing counsel, the judge or the jury, or because they failed to properly and fully represent their clients.
6. Share with the mentee stories of attorneys who have encountered ethical difficulties due to a failure to adequately communicate with their clients, colleagues within their organization, opposing counsel, and the court.

Resources:

[Rule 3.3 Comments](#)

Articles:

[Lawyers Have a Duty to Disclose Adverse Legal Authority Even if it Hurts Their Case \(2019\)](#)

[Lawyers' Duty to Google: Not Changing Anytime Soon \(2019\)](#)

[Honest Abe on Lawyer Honesty \(2017\)](#)

[When 'Opposing Counsel' is a Pro Se Plaintiff \(2017\)](#)

2I. Unethical and Unprofessional Misconduct by Another Lawyer

The following points are intended to facilitate a discussion about how to deal with unethical and unprofessional misconduct by another lawyer.

1. Review [Rule of Professional Conduct 8.3](#) and discuss a lawyer's obligation to report lawyer/judge misconduct, including the reasons why lawyers should report other lawyers' misconduct and to whom such misconduct should be reported. Discuss the concepts of "knowledge" and "non-privileged information" in the context of the Rule and relevant caselaw including *In re Himmel*, 125 Ill.2d 531, 533 N.E.2d 790 (Ill. 1988).
2. Discuss the types of factors which should be considered in determining whether misconduct should be reported to a tribunal, disciplinary agency, prosecutor's office, or other authority.
3. Discuss the following situations and suggest the most appropriate authority (if any) to whom the conduct should be reported and the reasons therefore:
 - a. Continuous discovery abuse by opposing counsel;
 - b. Opposing counsel filing frivolous lawsuits or lawsuits merely to harass your client;
 - c. Egregiously unprofessional conduct during litigation;
 - d. Suspected theft by an attorney of a former client's funds;
 - e. Suspected financial misconduct by a lawyer who is guardian for an incompetent person;
 - f. An attorney's failure to pay expert fees or other costs of litigation;
 - g. Theft of IOLTA monies by a lawyer in your firm;
 - h. Abusive and disrespectful behavior toward counsel and/or witnesses by a judge;
 - i. Client neglect because of suspected substance abuse or mental health issues of another attorney;
 - j. Erratic and unfair behavior by a judge because of suspected substance abuse or mental health issues;
 - k. Opposing counsel representing a party with whom there is a conflict of interest; and
 - l. Unauthorized practice of law by an attorney licensed in a jurisdiction other than Illinois.
4. Discuss a lawyer's obligation to assist in and provide information about a lawyer or judge's conduct in an inquiry by a tribunal or other authority investigating that lawyer or judge.
5. Discuss the appropriate action for a mentee who suspects that a partner in the firm has committed misconduct. Discuss the procedure when an associate or staff member in the firm is suspected of misconduct.
6. Discuss what the mentee could do in the following scenarios: if unsure whether a partner or associate's conduct is inappropriate and suspects that it might be; if a superior in the mentee's firm instructs the mentee to do something that the mentee believes to be unethical, such as under/over-reporting billable hours and if the pairing is internal, what internal resources exist, if any?
7. Suggest resources that the mentee may consult for making important ethical decisions, including the following:
 - a. Procedure for obtaining ethics advice within the organization (if you are in an internal mentoring relationship).
 - b. How to find outside ethics counsel and when such action is recommended.

- c. Identify ethics resources and the importance of supplementing general ethics resources with independent research on Illinois disciplinary case law when the ethics resources reviewed are not based on the Illinois Rules of Professional Conduct.
- d. Identify ethics inquiry services of bar associations.
- e. Discuss procedures for requesting or researching ethics advisory opinions of bar associations or IL ARDC.

Resources:

[ARDC Disciplinary Reports and Decisions Search](#)

[ISBA Ethics Opinions on Reporting Lawyer Misconduct](#)

Articles:

[Attorney Discipline: Reporting Misconduct by Fellow Attorneys \(2019\)](#)

2J. Grievance Process and Disciplinary Investigation

The following points are provided to facilitate a discussion about the grievance process and disciplinary investigation procedures in Illinois, and the role of the Attorney Registration and Disciplinary Commission (“ARDC”).

1. Explain the role of the ARDC to the mentee, and each attorney’s responsibility to register annually with the ARDC and to remain in good standing. See [ARDC](#) for more information.
2. Discuss any situations where you were involved with the ARDC, such as filing a complaint regarding another attorney with the ARDC. How was the issue handled?
3. Discuss the types of conduct that would merit a disciplinary investigation. Have you witnessed any such conduct?
4. If the mentee works in the same firm/organization, is there an internal disciplinary process of which they should be aware?

Resources:

[ARDC Organizational Information](#)

[How to Submit a Request for Investigation](#)

2K. ARDC Hearing Observation and Discussion

The following points are provided to facilitate a discussion of an ARDC public hearing after observing one.

1. Invite the mentee to observe an ARDC public hearing at the Supreme Court Building in Springfield, or at the ARDC's Chicago Office. See [schedule](#).
2. If you have represented a client in a professional responsibility matter, discuss your preparation and strategy with the mentee. How did you prepare your client? How did you prepare for the proceeding?
3. After observing the public hearing, discuss the matter and its resolution.

Resources:

[ARDC Publications](#)

3. Civility

3A. Issues of Incivility in Legal Profession

Read the Illinois Supreme Court Commission on Professionalism [Study of Illinois Lawyers](#) and discuss the following questions about the incivility in the legal profession.

1. What does “civility” mean in the context of the legal profession? How is it different from the dictionary definition of “politeness”? Read [Professional Attitude](#) from the ABA Journal and consider how Justice Kennedy defines “civility”. **Error! Hyperlink reference not valid.**
2. What types of uncivil or unprofessional behavior do lawyers most frequently encounter? How serious is the problem, and has it changed over time?
3. How are lawyers dealing with unprofessional behavior? What did you learn in law school about dealing with unprofessional behavior?
4. What are the causes of incivility? Discuss the driving factors behind incivility and, more importantly, how these may be neutralized in practice. Consider some of these examples:
 - a. Client expectations based on how lawyers are portrayed in the media and entertainment.
 - b. Increased competition among growing numbers of lawyers.
 - c. Dissatisfaction of attorneys with their work or profession.
 - d. A generally negative perception of lawyers by the public.
 - e. Overburdened and overworked court systems.
 - f. Abuse of the discovery process.
 - g. Belief that civil behavior may be perceived by an opposing party as weakness.
5. Share with the mentee stories of attorneys who have ultimately harmed their client because of their incivility and lack of consideration in dealing with opposing counsel, the judge, or the jury.

Articles:

[Creating a Culture of Civility in the Practice of Law \(2019\)](#)

[Civility Reboot: Can Lawyers Learn to be Nicer to One Another? \(2018\)](#)

[Civility in the Practice of Law \(2018\)](#)

[Civility as the Core of Professionalism \(2014\)](#)

3B. Professional Conduct Duties of the Lawyer to the Client and to the Administration of Justice

The following points are provided to facilitate a discussion about a lawyer's duties to the client and to the administration of justice.

1. Review and discuss the [Illinois Rule of Professional Conduct 8.4\(d\)](#): What are the consequences when a lawyer is engaged in misconduct? What are examples of "conduct that is prejudicial to the administration of justice"? Might these examples also fall under the Rule 3.5(d) prohibition of "conduct intended to disrupt a tribunal"?
2. Review and discuss the [Illinois Rules of Professional Conduct Preamble and Scope](#): Reflect on the various roles and duties of attorneys as representatives of their clients, officers of the legal system and public citizens with a special responsibility for the quality of justice. In representing clients, how does "zealous" advocacy conform to duties of "civility"? When can zealous advocacy cross the line into incivility?
3. Review [Illinois Supreme Court Rule 137](#): How does this rule promote the effective administration of justice? How can this rule be used to address unprofessional abuse of the legal system by attorneys? Conversely, how might the pursuit of sanctions under this rule by one attorney against another promote incivility?
4. Consider real-world examples of incivility and unprofessional behavior interfering with the administration of justice that may rise to the level of sanction or discipline:
 - a. Made false statements of material fact to tribunals and false statements concerning the qualifications or integrity of judges. *See In re Lanre O. Amu*, 11 PR 0106 (Ill. 2013).
 - b. Made false and offensive statements about a circuit court judge, an administrative law judge, and an opposing attorney during the course of three separate proceedings. *See In re Melvin H. Hoffman*, 08 SH 0065 (Ill. 2010).
 - c. Respondent engaged in disparaging, humiliating and discriminatory e-mails against opposing counsel. *See Florida Bar v. Mitchell*, SC 10-637 (Fla. 2010).
 - d. Respondent found guilty of unlawful misconduct while engaging in a series disparaging, humiliating, and discriminatory e-mails against opposing counsel. *See Florida Bar v. Mooney*, SC 10-640 (Fla. 2010).
 - e. Posting information on website about confidential disciplinary investigation into alleged misconduct of rival law firm. *See In re Moran*, 840 N.Y.S.2d 847 (N.Y. App. Div. 2007).
 - f. Filing briefs making inflammatory personal attacks against opposing counsel. *See In re Abbott*, 925 A.2d 482 (Del. 2007).

3C. Bullying & Harassment

The following points are suggested for a discussion about bullying and harassment that will benefit their professional development.

1. Inform your mentee about how incivility can lead to bullying and harassment actions in the workplace and in the legal profession as a whole.
2. Discuss with your mentee why bullying and harassment (in all forms) is counter-productive to the study and practice of law, and remind them that, as officers of the court, it is their responsibility to always seek justice for all.
3. If your mentee is currently experiencing a bullying or harassment situation by coworkers or fellow lawyers the following should be recommended:
 - a. Encourage your mentee to speak with a supervisor or HR representative regarding the behavior of a coworker.
 - b. Assure your mentee that you are there for them to speak with about issues dealing with bullying or harassment in the workplace.
 - c. Consult a friend or family member for ideas and strategies.
 - d. Confront the individual engaged in the bullying or harassing behavior and explain how inappropriate they are being.
 - e. Advise the mentee that support services for attorneys are available to escalate issues regarding bullying and harassment.
4. If your mentee is currently experiencing a bullying or harassment situation by a client the following should be recommended:
 - a. Encourage the mentee to discuss the issue as soon as it happens with either you or their immediate supervisor.
 - b. Discuss potential strategies with your mentee to counteract an aggressive client.

Articles:

[Harassment is 'Embedded Within the Culture' in Many Legal Workplaces, New Study Finds \(2020\)](#)
['Balancing the Scales': Have Women Lawyers' Expectations Changed in the Past 50 Years? \(2019\)](#)
[Handling Conflicts with Your Colleagues \(2016\)](#)

Courses:

[Bullying and Sexual Harassment Within the Legal Profession: Speaking Up and Speaking Out](#)

3D. Discovery or Transactional Negotiations

The following points are intended to facilitate a discussion about handling the discovery for litigation including tips in preparation and proper behavior during depositions. See Illinois Rule of Professional Conduct 3.3.

1. Share with the mentee ways to properly draft and respond to written discovery. Discuss the inadvertent production of documents. See Illinois Rule of Professional Conduct 4.4.
2. Discuss how to properly advise and prepare your client or witness for a deposition. What constitutes improper advice and/or preparation?
3. Share with the mentee proper behavior and examples of ways *not* to behave in depositions. Discuss the potential consequences for improper behavior.
4. Discuss professional ways to handle a situation where opposing counsel is acting improperly or unprofessionally during a deposition.
5. Discuss the types of disputes that would warrant calling a judge for resolution during a deposition or the filing of a motion afterwards.
6. Review and discuss the civil and local rules regarding discovery and depositions.

Articles:

[Deposition Rules for Witnesses Checklist \(2018\)](#)

[Fact Witness Deposition Tips for Young Lawyers \(2018\)](#)

[Propounding Written Discovery Requests \(2018\)](#)

3E. Strategies for Managing Incivility

The following points are provided to facilitate a discussion about strategies to manage incivility.

1. Share with the mentee an example of how you handled an uncivil lawyer and how the difficult relationship affected the representation.
2. Identify characteristics of uncivil lawyers of which the mentee should be aware.
3. Provide suggestions of the best and most professional ways to address areas where incivility commonly occurs: depositions, interrogatories and document requests, scheduling, continuances and extensions of time.
4. Discuss how to handle disrespect, bad faith, accusations, name-calling, and claims that are baseless.
5. Discuss the value of alternative dispute resolution processes. How might ADR processes reduce the likelihood of incivility? How might training in ADR methods help a lawyer better avoid incivility?
6. Review and discuss the following: [William B. Smith, Civility: Setting the Tone for Respect](#).

Articles:

[Shutting Down Uncivil Opposing Counsel \(2012\)](#)

[Uncivil Action \(2010\)](#)

Courses:

[Ending Harassment, Bullying and Incivility in the Legal Workplace](#)

[The Continuum: Incivility to Harassment \(and Some Solutions\)](#)

3F. Dealing with Difficult Clients

The following points are intended to facilitate a discussion about how to deal with “difficult” clients.

1. Discuss why lawyers should be concerned about difficult clients.
2. Share with the mentee an example of a difficult client you had, how you handled it, how the difficult relationship affected the representation, and what you might have done differently.
3. Identify characteristics of difficult clients, and how to identify those characteristics that should or may factor into accepting those clients to represent.
4. Identify client behaviors that occur during representation which indicate your client is angry or dissatisfied. Provide suggestions of the best and most professional ways to address the client and handle their anger.
5. Review and discuss the following: [Illinois State Bar Association and ISBA Mutual Insurance Company, New Lawyer Survival Guide: Advice from the Trenches on How to Live Your Life in the Law \(2003\).](#)
6. Discuss the importance of talking to a client as early as possible about realistic expectations of the representation, the scope of the representation, and the fee arrangement. Explain how discussing these (and other) issues can help to prevent misunderstandings and disagreement in your attorney-client relationship.

Articles:

[One Tough Customer: Discerning Between Challenging and Difficult Clients \(2019\)](#)
[Taming the Beast, How to Manage Difficult Clients \(2017\)](#)

3G. Shadow a Negotiation

The following points are intended to facilitate a discussion about how to conduct a negotiation.

1. You should secure permissions from all parties before having your mentee attend a negotiation.
2. Before the negotiation meeting, discuss the important elements of the negotiation. These might include:
 - a. Issues and goals
 - b. Potential outcomes
 - c. Elements and needs of each outcome
 - d. Rank and value to the issues
 - e. Other party's viewpoint
 - f. Research and data analysis
 - g. Rehearse
 - h. Agenda
3. Immediately after the negotiation meeting have a discussion with your mentee to debrief. You might discuss topics such as:
 - a. What was the mentee's impression of the negotiation?
 - b. Were the pre-negotiation goals met? Why or why not?
 - c. Any questions the mentee has about the proceeding.
4. Other areas of discussion regarding negotiations might include:
 - a. Integrative vs. Positional Bargaining
 - The Best Alternative to a Negotiated Agreement (BATNA)
 - The Worst Alternative to a Negotiated Agreement (WATNA)
 - The Walk Away Position (WAP)
 - Zone of Possible Agreement (ZOPA)
 - b. Alternative Dispute Resolution (ADR)
 - c. Mediation
 - d. Mediation vs. Litigation
 - e. Body language
 - f. Personality Types
 - g. Memorializing the final agreement
5. Encourage your mentee to attend as many negotiations as possible to familiarize themselves with the procedures and expectations.

Articles:

[What's Your Negotiation Strategy? \(2020\)](#)

[Negotiate to win \(2019\)](#)

3H. Shadow a Discovery Conference or Deposition

The following points are suggested for a discussion about a discovery conference or a deposition that will benefit their professional development.

6. You should secure permissions from all parties before having your mentee attend a discovery conference or deposition.
7. Before the discovery conference or deposition send your mentee all the pertinent documents:
 - a. Agendas
 - b. Synopsis of the proceeding
 - c. Goals of the proceeding
 - d. Any background information regarding the proceedings
8. Immediately after the discovery conference or deposition have a discussion with your mentee regarding the proceedings and specifically:
 - a. What was the mentee's impression of the proceeding?
 - b. Did the pre-proceeding goals and/or expectations occur during the proceeding?
 - c. Any questions the mentee has about the proceeding.
9. Encourage your mentee to attend as many discovery conferences and/or depositions as possible to familiarize themselves with the procedures and expectations.

Articles:

[Making the Most of Informal Discovery Conferences \(2020\)](#)

[Four Tips for Productive Rule 26\(f\) Conferences \(2019\)](#)

[Deposition Rules for Witnesses Checklist \(2018\)](#)

[Six Simple Tips to Effectively Prepare Your Client for Her First Deposition \(2016\)](#)

4. Diversity and Inclusion

4A. Diversity and Inclusion in the Legal Profession

1. The American Bar Association's Report: *Diversity in the Legal Profession: The Next Steps* provides the foundation for a facilitated discussion to increase awareness about diversity and inclusion in the legal profession. The report states that despite efforts thus far, racial and ethnic groups, sexual and gender minorities, and lawyers with disabilities continue to be vastly underrepresented in the legal profession. The legal profession is less racially diverse than most other professions, and racial diversity has slowed considerably. The overarching message of the ABA report is that a diverse legal profession is more just, productive, and intelligent because diversity, both cognitive and cultural, often leads to better questions, analyses, solutions, and processes. Read the [ABA Report](#) to provide a conceptual and normative context. The report begins by articulating four rationales for creating greater diversity within the legal profession.

- a. Discuss the "Democracy Rationale" for diversity and inclusion in the legal profession (See page 9). Why do lawyers and judges have a unique responsibility for sustaining a political system with broad participation by all its citizens? How does a diverse bar and bench create greater trust in the mechanisms of government and the rule of law?
- b. Discuss the "Business Rationale" for diversity and inclusion in the legal profession (See page 9). Given that business entities are rapidly responding to the needs of global customers, suppliers, and competitors by creating workforces from many different backgrounds, perspectives, skill sets, and tastes, how are culturally and linguistically proficient lawyers better able to serve their clients?
- c. Discuss the "Leadership Rationale" for diversity and inclusion in the legal profession (See page 10). Given that individuals with law degrees often possess the communication, interpersonal skills, and the social networks to rise into civic leadership positions, why is it important that law school enrollment become more broadly inclusive?
- d. Discuss the "Demographic Rationale" for diversity and inclusion in the legal profession (See page 10). The legal profession is about 90% Caucasian and this has been the trend for over a decade. What are the issues for the legal profession given the population shift to Caucasians becoming the nation's racial/ethnic minority by 2042? What are the opportunities and challenges to advancing diversity and inclusion for the following groups: large law firms and corporate general counsel offices? Small firms and solo practitioners? Minority-owned firms? For women, LGBT, and disabled attorney-owned firms? For government agencies?

2. Discuss pipeline diversity initiatives within various bar and other associations. Research and discuss the work of organizations that offer opportunities to work with low-income and at-risk students, some with the goal of introducing and exposing these students to the work lawyers do:

[ABA Council for Racial & Ethnic Diversity in the Educational Pipeline](#)
[Legal Prep Charter Academies](#)
[Chicago Bar Association](#)
[Lawyer Lend-A-Hand to Youth](#)

Resources:

[ABA Center for Racial and Ethnic Diversity](#)

Articles:

[14 Ways to Discuss Diversity in Your Law Firm \(2019\)](#)

[Representation of Women and Minorities Among Equity Partners Slowly Increasing \(2018\)](#)

[Women and Minorities at Law Firms--What Has Changed and What Has Not in the Past 25 Years \(2018\)](#)

4B. Personal Actions to Support Diversity and Inclusion

The following points are intended to facilitate a discussion to develop a deeper consciousness about diversity and inclusion and personal actions to support diversity and inclusion.

1. Discuss the meaning of diversity and inclusion. Diversity is the range of human differences, including but not limited to race, ethnicity, gender, gender identity, sexual orientation, age, social class, physical ability or attributes, religious or ethical values system, national origin, and political beliefs.

Inclusion is the capacity to include difference. Inclusion involves promoting and sustaining a sense of belonging, valuing and empowering differences, and respecting the talents, beliefs, backgrounds, ways of living and working. Inclusion requires deliberate action. It does not matter what your intentions, feelings, beliefs, or aspirations are as an individual or as a group if there is no action to support them.

- a. What does diversity and inclusion mean to you?
 - b. What does diversity and inclusion mean to you within the context of your role as a lawyer?
 - c. Do you see diversity and inclusion as sources of value for your professional life? Provide examples of how diversity and inclusion have added value.
2. Discuss personal actions to support diversity and inclusion. In addition to system and organizational initiatives, diversity and inclusion comes about through individual acts of inclusion. There are daily opportunities to make a difference in your own and someone else's life. Every human interaction is an opportunity for an act of inclusion. The list below provides a few ideas for personal actions.
 - a. Witness one's own diversity sensitivity and impact on others.
 - b. Make a conscious effort to learn about others who are different than oneself.
 - c. Engage in a range of experiences with others who are different than oneself.
 - d. Listen actively for other frames of reference and do not prejudge.
 - e. Seek to understand and adapt to different styles when working with others.
 - f. Become flexible to change the way you do things to meet the needs of others.
 - g. Embrace diversity as a resource to benefit business and co-workers.
 - h. Encourage and capitalize on the diverse contributions and strengths of team members.
 - i. Practice inclusive behaviors in groups and intervene sensitively when exclusionary behaviors occur.
 - j. Get involved in organizations that promote diversity and inclusion.
 - k. Challenge prejudice and injustice.
 - l. Increase awareness of personal attitudes and beliefs about members of own and others' social identity groups.
 - m. Learn about different styles of conflict resolution and monitor own preferred conflict management style and its impact on others.
 - n. Manage conflict over difference when it arises rather than avoiding it.
 - o. Advocate to treat people fairly and to accommodate difference in all spheres of life, *i.e.*, personal, social, professional and the wider community.

Resources:

[ABA Diversity and Inclusion Center](#)
[Institute for Inclusion in the Legal Profession](#)

Articles:

[Six Simple Things You Can Do to Support Workplace Diversity and Inclusion \(2016\)](#)

4C. Increasing Diversity in Your Organization

The following points are intended to facilitate a discussion of how the mentor and mentee have worked or can work to increase diversity in their own organizations.

1. Does your employer keep and/or publish statistics on its diversity, or specific goals or benchmarks it is striving to achieve? If you have access to them, review them and discuss them.
2. If there is a Diversity Manager or Coordinator at your organization, schedule time with them to discuss the organization's efforts, and how attorneys can get involved.
3. Identify specific benefits from increasing diversity in your organization. Identify roadblocks to progress, and volunteer to help address them.

Articles:

[Diversity and Inclusion: What Your Law Firm Can Do \(2020\)](#)

[Top Tips for Organizations to Make Progress Toward Inclusivity \(2020\)](#)

[Three New Ways to Increase Diversity in Law Firms and Legal Departments \(2020\)](#)

[Tips for Creating Diverse and Inclusive Law Firms \(2019\)](#)

[Increasing Law Firm Diversity](#)

4D. Proper Self-Promotion

The following points are suggested for a discussion about self-promotion that will benefit their professional development.

1. Mentees should be reminded that they need to be prepared for greater responsibilities and the additional work and time results in more complex work.
2. If your mentee believes they are ready for additional responsibilities (and you agree) then discuss strategic ways to increase responsibilities without alienating coworkers.
3. Reinforce your mentee's strengths and abilities and be critical of areas of improvement.
4. If a mentee is not successful in obtaining greater responsibilities, work with them to develop the skills/experiences necessary to become successful later.

Articles:

[Train and Gain: Law Firms are Beefing Up Associate Training and Reaping the Rewards \(2020\)](#)

[Nine Tips for Becoming a Superstar Associate \(2017\)](#)

[Effective Self-Promotion for Young Lawyers \(2017\)](#)

4E. Diversity Awareness & Implicit Bias

The following points are suggested for a discussion about diversity awareness and implicit bias that will benefit their professional development.

1. Have an honest discussion with your mentee about their life and help identify where bias could exist with or without their knowledge.
2. Explain to your mentee how diversity adds to the profession and comes in many different forms.
3. Encourage your mentee to put themselves in the place of the other party in any situation and come to the issues from a different perspective.
4. Evaluate a mentee's implicit or unconscious bias with a series of legal scenarios. This will give your mentee real world experiences with limited actual consequences to determine base levels of mentee bias.

Articles:

[Lawyers are Uniquely Challenging Audience for Anti-Bias Training \(2019\)](#)

[You Can't Change What You Can't See \(2018\)](#)

Courses:

[Rebalance the Scales Course: Implicit Bias, Diversity and the Legal Profession](#)

4F. Diverse Problem Solving

The following points are suggested for a discussion about diverse problem solving that will benefit their professional development.

1. Review with mentee how diversity within the workplace breeds creative solutions to complex issues and builds relatable relationships with clients.
2. Mentee should be reminded that diversity of thought and experience can be useful in approaching legal issues from a fresh perspective.
3. Mentee's should be aware that diverse individual experiences and knowledge bases can greatly assist the diversity of clients seeking representation.

Articles:

[The Benefits of Diversity in the Legal Profession \(2019\)](#)

[Can Improving Attorney Well-Being Solve Law's Diversity Problem? \(2018\)](#)

4G. Allyship

The following points are suggested for a discussion about allyship that will benefit their professional development.

1. Allyship can be defined as the following:
 - a. Lifelong process of building relationships based on trust, consistency, and accountability with marginalized and/or groups of people.
2. Have your mentee identify how they can incorporate Allyship in their daily practices and develop strategies for long term Allyship.
3. Discuss with your mentee how Allyship has assisted you in your legal career and how you continue to practice Allyship currently.

Articles:

[10 Inclusive Behaviors for Men to Advance Women Lawyers and Attorneys of Color \(2018\)](#)

[Practical Steps for Engaging White Male Attorneys as Champions for Diversity and Inclusion \(2014\)](#)

[Closing the Gap: The Need for Allies](#)

4H. Sponsorship

The following points are suggested for a discussion about sponsorship that will benefit their professional development.

1. Inform your mentee the differences between a mentor and a sponsor:
 - a. A mentor has a mentee and a sponsor has a protégé.
 - b. A mentor can be anyone with advanced experiences and a sponsor is a senior executive interested in your career advancement.
 - c. Mentors discuss and mold mentee's abilities and skillsets and sponsors promote protégés directly to influential individuals.
 - d. A mentor helps a mentee establish a career plan and a sponsor creates the career plan for their protégé.
2. Explain to your mentee that a mentor allows for the mentee to grow and cultivate their own career goals and pathways and a sponsor prescribes their ideas for their protégés to follow.
3. A mentor should explain that a sponsor ultimately strives to create a junior version of themselves and a mentor's goal is to help a mentee become the best version of themselves.
4. As a mentor do not promote mentors over sponsorship. Instead give your mentee all the facts and goals for each type of workplace supporter and have them decide the best support for themselves.

Articles:

[You've Got a Friend in High Places: The Power of Sponsorship for Women \(2019\)](#)

[A Roadmap to Mentorship and Sponsorship: From Law School to Practice](#)

4I. Attend a Diversity Workshop or Training

Many organizations sponsor diversity workshops and training, some qualifying for professional responsibility CLE credit. Consider attending together and discussing a workshop from one of the following:

[Chicago Bar Association](#)

[Illinois Diversity Council](#)

[Illinois State Bar Association](#)

[Jones Diversity Group](#)

[The Kaleidoscope Group](#)

[R3 Group](#)

[Souder, Betances & Associates](#)

5. Wellness, Mental Health and Addiction

5A. Career Paths

The following points are provided to facilitate a discussion about different career paths for lawyers, the culture in different types of practice settings, and the resources for exploring career options that fit with the individual lawyer's definition of balance and wellness.

1. Discuss the different types of law practice. For example, government or public office; private practice, large firm vs. small firm vs. solo practice; corporate, environmental, the judiciary, non-traditional legal positions, legal aid.
2. Share with the mentee your experiences and the environments in the different practice settings in which you have worked. Invite other experienced lawyers to discuss with you and the mentee their experiences in different practice settings.
3. If the mentor specializes in an area of practice, share with the mentee how you acquired the expertise in that area. Why did you choose to practice in that concentration? Discuss how to secure a position in your practice concentration.
4. Describe to the mentee your typical day with respect to things such as court appearances, trial work, research and writing, client contact, discovery, mediation/dispute resolution, hours/vacation/benefits/quality of life, and similar topics.
5. Share with the mentee what you enjoy most and least about your practice area. What or who was most instrumental in developing your practice expertise? What has been your greatest achievement?
6. If the mentee is not in the type of practice s/he would like to be in long-term, the mentor should try to introduce the mentee to lawyers in the field s/he would like to explore.
7. Discuss networking opportunities that would coincide with the mentee's objectives.
8. Share with the mentee tips for succeeding in the practice of law, especially in the practice setting in which the mentee works.

Resources:

[NALP Nontraditional-Track Lawyer Career Path Guide](#)

[ABA Career Center](#)

[LSAC Fields of Law](#)

Books (for purchase):

[Abrams, Lisa, The Official Guide to Legal Specialties](#)

Articles:

[27 Types of Law That J.D. Grads Can Practice \(2020\)](#)

[Top Five Things to Know About Selecting Your Practice Area \(2017\)](#)

[How to Choose Your Legal Specialty \(2017\)](#)

5B. Career Objectives

The following points are suggested to facilitate a discussion about the mentee's career objectives and ways to achieve them.

1. Discuss the article: [Kathleen Brady, *Navigating Detours on the Road to Success*, LAW PRACTICE TODAY, March 2005.](#)
2. Share with the mentee the long-term goals you had as a new lawyer. Discuss how and why those goals changed and/or the successes and failures you had in reaching those goals. Discuss what you have achieved and what career goals you have now.
3. Share with the mentee how you would do things differently in pursuing your career objectives if you had a chance to start over.
4. Discuss the mentee's resume and suggest activities that would help to strengthen the ability to meet their career goals. Suggest other ways for the mentee to develop professionally.
5. Assist the mentee in creating a five-year plan stating career objectives and strategies for meeting them.

Articles:

[Complete Guide to Career and Personal Goals for Lawyers \(2020\)](#)

[Creating Your 5-Year Legal Career Plan \(2019\)](#)

5C. Balance between Career and Personal Life

The following points are intended to facilitate a discussion about balancing career and personal life, putting daily pressures into perspective, reconciling job expectations with actual experience, and maximizing career satisfaction.

1. Share with the mentee techniques to create and maintain balance between personal and professional life. Share your own experiences, including successes and failures, in finding balance between your personal life and career.
2. Discuss strategies to achieve the following components to balancing personal and professional life.
 - a. How to create expectations for your employer and clients that are compatible with a healthy and balanced lifestyle.
 - b. How to give your all at work while saving energy and emotion for family.
 - c. How to maintain physical health with a busy schedule and how doing so contributes to your productivity and success.
 - d. How to make nutritious choices at home, at work, or on the road, and how doing so maximizes performance and energy levels.
 - e. How to plan ahead for the challenges of caring for children or aging parents.
 - f. How to develop and maintain friendships or other relationships when time seems to be in critically short supply.
 - g. How to foster professional relationships.
 - h. How to be efficient and productive at work, as well as how to prioritize and delegate tasks.
3. Share stress management techniques. Discuss the article: [Pat McHenry Sullivan, You Can Find Time to De-Stress, Law Practice Today \(Feb. 2006\)](#).
4. Discuss how to reconcile job expectations with the actual experience at work. Discuss the mentee's expectations for their job, identify the aspects of their job which do not meet those expectations, determine together whether the expectations are realistic, and discuss ways to make changes which will positively affect the work experience.
5. Discuss ways to maintain a positive attitude at work and create a positive work environment to maximize enjoyment of work.
6. Discuss the importance of identifying an individual or individuals in the work setting who can help answer questions about the culture of the office and how to balance your career and personal life. If part of an internal mentoring program, help the mentee identify those people (if not the mentor).
7. Discuss ways to positively deal with the criticism of employers and clients.
8. Discuss the "dos" and "don'ts" of leaving a job because of job dissatisfaction, including the following tips:
 - a. Do work hard until you leave. If you are in the process of looking for another job, it may be easier to find one while you still have one.
 - b. Don't burn bridges by leaving on bad terms. You never know when and how you will have to interact with a member of your old firm in the future, or whether you will want to come back to your old firm.

- c. Do be careful about the reasons you say you are leaving. To keep the relationships you have built intact, keep your reasons for leaving focused on the positive growth you expect by moving on rather than the negative experience you had which caused you to want to leave.
- d. Don't forget to mend difficult relationships before you go. Find something nice to say and shake hands with those you had problems with at your old employer so that you will be remembered as pleasantly as possible.
- e. Do stay in touch with your old employer. Maintain the good relationships you built because an old employer always has influence over your career and your reputation.

Resources:

[ABA Commission on Lawyer Assistance](#)

[ABA, Drug Abuse & Dependence](#)

[CLE Developed by the Lawyer's Assistance Program](#)

Articles:

[Work-Life Synchronicity in the Legal Profession \(2019\)](#)

[Evening the Scales: The Value of Work-Life Balance in Law \(2019\)](#)

[Achieving a Work Life Balance in the Legal Profession \(2017\)](#)

[How to Pull Off the Great Balancing Act \(2016\)](#)

5D. Substance Abuse and Mental Health Issues

The following points are provided to facilitate a discussion about substance abuse and mental health issues in the legal profession, including possible warning signs, what to do if the mentor, mentee, a colleague, or a superior is faced with a substance abuse or mental health issue, and the resources for assistance.

1. Objectively discuss the legitimate goals of mandatory substance abuse instruction which include raising the attorney population's consciousness regarding the problems of chemical dependency, informing all attorneys of how to detect, prevent and assist impaired attorneys, and increasing awareness of available assistance programs.
2. Review the [Illinois Lawyers Assistance Program](#) and discuss the statistics regarding substance abuse and mental health problems among lawyers.
3. Share with the mentee experiences, if any, that you have had dealing with an impaired lawyer or judge and how you handled (or c/should have handled) the situations.
4. Discuss the signs and symptoms of chemical dependency.
5. Discuss with the mentee your experience (if any) with noticing the signs and symptoms of chemical dependency in someone with whom you worked. Talk about how to professionally address that type of situation.
6. Discuss the most professional ways for dealing with the following situations:
 - a. The judge before whom you appear seems to be impaired.
 - b. The opposing counsel in your case attempts to negotiate with you while s/he appears to be impaired.
 - c. The opposing counsel in your case appears with their client at a deposition or hearing and you suspect s/he is impaired.
 - d. Your client appears for a hearing impaired.
7. Discuss a lawyer's personal and professional duties to assist their colleagues if they suspect impairment.
8. Discuss a lawyer's heightened responsibility to a client who is mentally impaired.

Resources:

[ABA Mental Health Initiative](#)

[ABA Study on Lawyer Impairment](#)

Articles:

[Addressing Impaired Attorneys \(2019\)](#)

[Tales of Addiction: What Every Attorney Should Know About Alcohol and Substance Abuse \(2018\)](#)

5E. Dealing with Feedback

The following points are suggested for a discussion about receiving feedback from employers and clients that will benefit their professional development.

1. Discuss the benefits of receiving feedback from the mentee's employer and from clients.
2. Discuss ways to receive that feedback professionally, and with an open mind.
3. Discuss the variety of ways in which attorneys receive feedback.
 - a. In court
 - b. A supervising attorney
 - c. A legal assistant
 - d. Opposing counsel
 - e. Mentors (both formal and informal)
4. How to receive that feedback in different settings (*e.g.*, in the office, in court, at a formal meeting, etc.)

Articles:

[The Stoic Associate: How to Deal with Feedback and Worry Less \(2017\)](#)

[How to Ask for Feedback \(2014\)](#)

[The Flip Side of Associate Feedback](#)

5F. Responding to Others in Need

The following points are suggested for a discussion about substance abuse and mental health concerns that will benefit their professional development and personal well-being. Substance abuse and/or mental health concerns are of growing concern in the legal profession. There are many ways in which you and/or your mentee can help.

1. Read the article [Lawyers and Addiction](#) by Matthew Hector from the Illinois Bar Journal. Review with your mentee the struggle with addiction and mental health that many lawyers face.
2. Discuss the importance of reaching out for help, for your own, or their own wellbeing, but also for their client's wellbeing.
3. Reach out to the Illinois [Lawyers Assistance Program](#). They offer counseling, education, peer support and intervention. Their service is 100% confidential, and is helpful in guiding people through difficult situations.

Articles:

[It is Time to Normalize Mental Health Check-Ups \(2020\)](#)

[New Study on Lawyer Well-Being Reveals Serious Concerns for Legal Profession \(2017\)](#)

5G. Well-Being Techniques

The following points are suggested for a discussion about methods for improving physical and mental health that will benefit their professional development.

1. Discuss the benefits of exercise and time away from work.
2. Discuss ways in which to manage a workload and fit in time for exercise.
 - a. Mark your calendar for exercise – Attorneys are typically scheduled. If exercise is listed in the calendar, the more likely it will get done and not be sacrificed for other projects.
 - b. Short breaks can be ample time to get in a 5-10-minute workout. Look at these [desk workouts](#) that can break up a long day of sitting.
3. Discuss mindfulness. It is the quality or state of being conscious or aware of something (Oxford dictionary). Offer suggestions to improve mindfulness and the benefits of doing so.

Resources:

[Mindfulness for Lawyers](#)

[Illinois State Bar Association Mindfulness for Lawyers CLE Programs](#)

Articles:

[How to Advance Mindfulness in the Workplace \(2020\)](#)

[A Mindful Lawyer's Introduction to Mindfulness \(2018\)](#)

[The Mindful Lawyer \(2018\)](#)

[Surviving the 24/7 Future Workplace \(2015\)](#)

5H. Emotional Intelligence

The following points are suggested for a discussion about emotional intelligence that will benefit their professional development.

1. Emotional intelligence is the capacity to be aware of, control, and express one's emotions, and to handle interpersonal relationships judiciously and empathetically (Oxford dictionary).
2. Discuss the benefits of taking a short time to gather your thoughts and emotions before speaking. This skill can be used in a number of contexts both professionally and personally.
3. Discuss the importance of connecting with your emotions, understanding what they are, where they come from and how to work through conflicting emotions in a professional setting.

Articles:

[Emotional Intelligence: A Key Competency for Lawyers in the Digital Age \(2019\)](#)

[Emotional Intelligence and Lawyers--An Old New Frontier \(2018\)](#)

[How Emotional Intelligence Makes You a Better Lawyer \(2017\)](#)