



THE SUPREME COURT *of* OHIO

COMMISSION ON PROFESSIONALISM

**LAWYER TO LAWYER MENTORING PROGRAM
IMPLEMENTATION PLAN
PERMANENT PROGRAM**



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LAWYER TO LAWYER MENTORING PROGRAM IMPLEMENTATION PLAN

I. Overview of Program

A. Introduction

In 2006, the Commission on Professionalism (the “Commission”) began a state-wide mentoring program pilot for newly admitted lawyers in Ohio. The theory underlying the initiative was that fostering relationships between beginning and experienced lawyers would create a necessary setting where the seasoned lawyer would mentor the new lawyer during the transition from student to practitioner, passing on fundamental skills and core values of professionalism essential to the practice of law.

In the pilot project, one hundred seventy-four new attorneys who were admitted to the Ohio bar in 2006 and met designated eligibility requirements opted to participate in mentoring as a way to fulfill part of their new lawyer training requirement. The mentoring program participants were surveyed about their experiences in our pilot at the midpoint and at the end of their mentoring terms. The responses received in these surveys were overwhelmingly positive.

New lawyers who responded to our End of Term Survey reported the following about their time spent in mentoring:

- 92% said they are better equipped to deal with ethical and professionalism considerations in their daily practice
- 91% said their standards had been raised or reinforced
- 91% said they learned about legal customs
- 87% said they were better lawyers because of the program
- 87% said they have more practical knowledge about the practice of law

- 85% said they are better prepared for the practice of law
- 74% said they built collegial relationships with other members of the bar

Because the pilot project was so successful, the Commission wishes to establish a permanent mentoring program available to newly admitted attorneys. Although some substantive changes have been made, the implementation plan for this permanent program is largely based upon the proposal developed for the pilot project.

B. Program Objective

The purpose of the program is to elevate the competence, professionalism, and success of Ohio lawyers through positive mentoring relationships. Mentoring creates an opportunity for an experienced lawyer to provide professional guidance and share practical knowledge and skills with a new lawyer during the critical transition from law student to legal practitioner. Specifically, the mentoring relationship should foster the development of the new lawyer's practical skills and increase his or her knowledge of legal customs; contribute to a sense of integrity in the legal profession; promote collegial relationships among legal professionals and involvement in the organized bar; improve legal ability and professional judgment; and encourage the use of best practices and highest ideals in the practice of law. Mentoring works on several different levels to foster the development of a new lawyer's career while creating a sense of pride and purpose in the mentor.

II. The New Lawyer

The Lawyer to Lawyer Mentoring Program (the “Program”) is intended to assist lawyers who are newly admitted to the Ohio bar. For purposes of the Program, a newly admitted lawyer will be referred to as the “new admittee” or the “new lawyer.”

A. Participation in Program

To participate in the Program a new lawyer must:

- Be admitted to practice law in Ohio
- Register active within thirty days of the admissions ceremony
- Practice law in Ohio or intend to practice law in Ohio, and
- Be subject to the New Lawyer Training requirements as set forth in Gov. Bar R. X (3) (C) and (H).

New lawyers who meet these eligibility requirements and choose to participate in the program must complete and submit to the Commission on Professionalism a New Lawyer Application within sixty days of their admissions ceremony.

B. CLE Credit for New Lawyers

New admittees who participate in the program and successfully complete the mentoring term will satisfy their New Lawyer Training requirement, provided that they also take three hours of instruction in professionalism, law office management, and client fund management.

III. The Mentor

Mentors are essential to the Program. The success of this educational program depends upon experienced and reputable lawyers who are willing to commit the time to

volunteer as Mentors so that they may convey the core values and best practices of the profession to new lawyers. Professional lawyers should acknowledge the value of teaching and guiding new attorneys in the practice of law and should personally strive to improve the legal profession by volunteering to Mentor.

A. Mentor Qualifications

“The very thing the mentoring program seeks to avoid is the perpetuation of bad habits and practices and the lack of familiarity with new techniques in running a law office.” William I. Weston from “Lawyer Mentoring and the Discipline System” in November, 1995 ABA Professional Lawyer.

In order to achieve its objectives, the Program must focus on recruiting individuals who have superior interpersonal skills and the ability to impart quality lessons about the best practices and highest values of the legal profession. Before agreeing to serve as a Mentor, a lawyer should honestly evaluate whether s/he has the skills needed to guide and teach a new lawyer in a one-on-one setting, can devote the requisite time to the activities and experiences which must be completed with the new lawyer as required by the Program, has an understanding of the Ohio Rules of Professional Conduct, and exhibits highly professional habits in the practice of law and management of the lawyer’s law practice.

Moreover, the qualifications set forth below are minimum standards that must be met to serve as a Mentor. Each Mentor must:

- Be an attorney in Ohio registered active and in good standing;
- Be admitted to practice law in Ohio for not less than five years;
- Have a reputation among judges and peers in the local legal community for competence and ethical and professional conduct;

- Never have been suspended or disbarred from the practice of law in any jurisdiction, nor have voluntarily surrendered his or her license to practice law for the purpose of disposing with a pending disciplinary proceeding in any jurisdiction;
- Not have been otherwise sanctioned by the pertinent entity governing the admission and practice of law in any jurisdiction during the ten years preceding nomination as a mentor. “Sanctioned” means subjected to disciplinary action and includes public reprimands or private sanctions which occur in jurisdictions that impose them. Such sanctions also include administrative suspensions resulting from a deficiency in continuing legal education hours or a failure to renew attorney registration in a timely manner;
- Not have a formal disciplinary complaint pending before the Supreme Court of Ohio; (In such cases, the mentor nomination will be deferred until the final disposition of the formal complaint;)
- Carry professional liability insurance with the minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate, or its equivalent, except that government attorneys, in-house counsel for a corporation, lawyers employed by a non-profit agency, or lawyers mentoring in-house are exempt from this requirement.

B. Exceptions to the Insurance Requirement

Mentors must certify in their Mentor Application that they have and will maintain professional liability insurance with minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate, or its equivalent. Government attorneys, in-house counsel for a corporation, or lawyers employed by a non-profit agency are exempt from this requirement. A mentor who is mentoring a new lawyer in the same office where the Mentor is employed (called “in-house” Mentors) will also be exempt from certifying that they carry insurance. Lawyers who fall into one of these categories must indicate in their Mentor Application which category applies to be considered exempt from the insurance requirement.

C. CLE Credit for Mentoring

All lawyers who serve as a Mentor for a full mentoring term will receive a total of twelve hours of CLE credit, including one hour of professionalism, one hour of ethics, and one half hour of substance abuse credit. The Mentor's total credit hours will be granted for the year in which the mentoring term concludes. If the lawyer Mentors more than one new lawyer during a mentoring term, s/he may only receive CLE credit for mentoring one new lawyer.

D. Mentor Orientation

An Orientation program for Mentors will be offered by the Commission on Professionalism. The purpose of this program will be to provide Mentors with an overview of the Program, including its purpose and goals, and to provide useful information about effective mentoring for new lawyers. The orientation program may be offered live or over the internet. Continuing Legal Education credit may be offered for some or all of the hours of the orientation program, but it is not guaranteed to be offered for any of it.

The orientation is designed for Mentors in their inaugural year of the Program. Mentors will be expected to attend one of these programs. Mentors who have attended an orientation program will not be required to repeat it in order to serve again as a Mentor, but they must agree to review any revisions or changes to the program rules that occur after the year of their attendance at orientation and any updates in resource materials provided by the Commission.

E. Mentor Approval

Any lawyer interested in serving as a Mentor must complete a Mentor Application provided by the Commission on Professionalism. By signing the Mentor Application, the applicant certifies that s/he meets the Mentor qualifications and agrees to make the necessary time commitment to maintain the mentoring relationship.

The Mentor Application will also contain optional profile information which will be reviewed by new lawyers to select their preferred Mentors. Mentors are not required to provide the profile information in the section of the application called “About You.” However, Mentors are encouraged to be as candid as possible about the information requested so that a new lawyer has as much information as possible to select a preferred Mentor. Responses to the profile questions will be published as a self-description of the Mentor’s profile.

The qualifications of prospective Mentors will be screened and must ultimately be approved by the Secretary to the Commission on Professionalism or his/her designee (the “Secretary”) before a lawyer may serve as a Mentor. The Secretary will have the responsibility for checking references for the applicants if deemed necessary. When it is determined that an attorney meets all of the Mentor qualifications and has been approved to Mentor, the Mentor’s name will be placed on a Pre-Approved Mentor List with his or her biographical information which will be published as the Commission sees fit.

In addition to approval of Mentor criteria, all matches of Mentors to new lawyers must ultimately be approved by the Secretary. There is no guarantee that a lawyer who meets all of the Mentor qualifications will be matched to a new lawyer. No reason will

be given if a match is not made or approved. During any given mentoring term, a Mentor may be matched to no more than two new lawyers.

F. Mentor Recruitment

Recruitment of Mentors will be an on-going part of the Program. The Commission will rely on nominations of prospective Mentors from judges and the state and local bar associations, which will periodically be solicited. If a lawyer is nominated by a judge or bar association, the Commission will contact him or her with an invitation to apply to serve as a Mentor. A lawyer may also volunteer to serve as a Mentor without a nomination by completing and submitting a Mentor Application to the Commission.

G. Recognition of Mentors

Significant recognition of a Mentor's service to the profession should be given for each year a lawyer serves as a Mentor. Among the recognition to be considered and determined by the Commission on Professionalism are the following:

- Publication of the names and years of Mentor service on the Lawyer to Lawyer Mentoring Program advertisements and webpage and the Commission on Professionalism's webpage or other publications;
- Issuance of a Certificate of Recognition for years of service as a Mentor;
- Inclusion in a special feature publication regarding service as a Mentor, including Mentor success stories, testimonials, etc;
- Special recognition with Attorney Registration for years of service as a Mentor.

IV. Defining the Mentoring Relationship

The relationship created by the match of a Mentor to a new lawyer by the Commission on Professionalism is intended to be an on-going relationship for the sole purpose of guiding and teaching the new lawyer about the practice of law and the issues the new lawyer is likely to face in the practice of law. The Mentor should share his or her experiences, provide guidance and resources, and engage in dialogue with the new lawyer in completion of the activities in the Mentoring Plan. In doing so, the Mentor should strive to create an open and interactive atmosphere for learning.

New lawyers who are mentored by lawyers employed by their law firm or office are considered to have “in-house” mentoring relationships. New lawyers who are mentored by lawyers who work outside their law firm or office are considered to have “outside” mentoring relationships.

A. Integration of the Program with Pre-Existing In-House Programs

The Commission recognizes that many law offices, corporations, government offices, judicial clerkships and other attorney employment arrangements currently have mentoring programs (formally or informally implemented) to orient newly admitted lawyers in their employ to the practice of law and to the employer’s culture. For purposes of the Program, these established firm/office programs are referred to as “established in-house programs.” Many topics in the Program curriculum are quite likely already taught to newly admitted lawyers through established in-house programs.

The Program is not intended to displace established in-house programs or to discourage future development of such programs. Rather, the Program’s curriculum is

intended to introduce core concepts that most employers will be able to incorporate with relative ease into their established in-house program, so that they may continue orienting new admittees in the way that is most appropriate for them provided that the Program's curriculum is covered.

1. Qualifications for Mentors in Established In-House Programs

In order to ensure that all mentoring relationships developed for purposes of completing the Program are of the highest quality, the Commission must uniformly apply the Program standards to both in-house and outside mentoring relationships.

Accordingly, lawyers who volunteer to Mentor as a part of an established in-house program must meet the minimum qualifications for all Mentors, must complete and submit a Mentor application, and must ultimately be approved by the Secretary.

2. Adherence to Program Curriculum

In order to incorporate the Program with an established in-house program, a supervising attorney must oversee the coordination of the in-house mentoring program and will be required to sign a Certificate of Established In-house Program Compliance with Program Curriculum form. By doing so, the supervising attorney certifies that the firm/office will comply with the requirements of the Program and will offer at a minimum the activities/experiences in the Program's Mentoring Plan.

When the Secretary receives and approves the Certificate of Established In-house Program Compliance, the firm/office will be considered an "approved provider" and added to an Approved Provider list that will be published. A Certificate of Established In-house Program Compliance must be submitted prior to each mentoring term for which the employer intends to administer an In-house Program.

3. Mentor Nominations for Established In-House Programs

The firm/office supervising attorney of an established in-house program who chooses to incorporate this Program with their pre-existing mentoring course will be required to submit proposed matches between new-lawyer employees and Mentor-employees. All proposed matches must ultimately be approved by the Secretary.

Matches should be submitted on the Established In-House Program Mentoring Matching Form. Firm/office supervising attorneys should keep in mind that an experienced lawyer may Mentor no more than two new lawyers in any given mentoring term. Firm/office supervising attorneys should also realize that even where an in-house mentoring program exists, a new lawyer has the choice to nominate a lawyer outside of the firm to be his or her mentor for this program,

The firm/office supervising attorney of an established in-house program is responsible for ensuring that all nominated in-house Mentors complete and execute a Mentor Application, which must be submitted prior to or concurrent with the submission of the In-house Mentoring Matching form. If a Mentor(s) named on an Established In-House Program Mentoring Matching Form has not yet submitted a Mentor Application, nor is the application(s) included with the Established In-house Mentoring Matching Form, the Secretary may return the form so that the firm/office supervising attorney may collect all outstanding in-house Mentor Applications to return with the Established In-House Program Mentoring Nomination Form.

A Pre-Approved Established In-house Program Mentor List identifying in-house Mentors who have already applied and been deemed to meet the Mentor criteria will be

maintained for the convenience of firm/office supervising attorney nominating in-house matches.

B. Mentor Nominations Where Program is Not Incorporated with an Established In-House Program

The Program does not require that a new lawyer be mentored by another lawyer at his or her firm. Many firms will not have pre-existing in-house mentoring programs with which to incorporate this Program. Moreover, even where an in-house mentoring program is available, a new lawyer may nominate a lawyer outside of the firm to be his or her mentor for this program.

In such cases, the new lawyer shall complete a New Lawyer Application and will be asked to list his or her first three choices of Mentors. The nominations will be reviewed and the final match will be determined by the Secretary. Although the Secretary will attempt to approve a mentoring match based on a new lawyer's nominations, there is no guarantee that a match will be made between a new lawyer and the Mentor s/he nominates. If for some reason none of the new lawyer's nominations are approved by the Secretary, the Secretary will match the new lawyer to a Mentor of the Secretary's choosing, taking into consideration to the extent possible the mentor preferences indicated by the new lawyer on his or her application.

The Pre-Approved Mentor List will help new lawyers identify Mentors who have already been deemed to have met the Mentor criteria. However, a new lawyer may nominate any experienced lawyer as his or her prospective Mentor, even one not on the Pre-Approved Mentor List. If the new lawyer chooses to nominate a Mentor not on the Pre-Approved Mentor List, the new lawyer will be responsible for notifying the Mentor

of his or her nomination and asking the Mentor to complete a Mentor Application which must be submitted along with the new admittee's New Lawyer Application.

C. Parameters of Outside Mentoring Relationships

Participants of in-house mentoring programs may discuss many different matters relating to clients because of the shared responsibility of liability and the confidentiality that extends to office employees. However, lawyers participating in the Program in outside relationships must be especially cautious since no such safeguards exist. As a result, outside mentoring relationships require clear parameters.

A lawyer/client relationship is not established between Mentors and new lawyers in outside mentoring relationships. Accordingly, communications between the Mentor and the new lawyer are not confidential. The Commission would expect that Mentors and new lawyers respect the other's privacy and be discreet with any information shared by the other in order to foster a trusting relationship. However, lawyers should be reminded that ultimately the mentoring communications are not confidential.

In outside mentoring relationships, new lawyers are prohibited from identifying any client or revealing any client confidence to their Mentors. New lawyers are prohibited from seeking professional or legal advice from their Mentors about specific legal matters or clients. Instead, all discussions about substantive legal matters between outside new lawyers and Mentors should be limited to hypothetical situations.

Any communication between an outside Mentor and new admittee is not intended to be the rendering of legal or professional advice to the new admittee or his or her clients. The new admittee is prohibited from relying upon said communications or causing his or her client to rely on them, and is ultimately charged with using his or her

own professional judgment, forming his or her own legal opinions, and engaging in his or her own independent research.

In an outside mentoring relationship, the Mentor may not co-counsel any matter with new lawyer, nor may Mentor make or accept referrals to and from the new lawyer during the mentoring term. The relationship should not be used as a job-hunting service or a means to establish “of counsel” or employment relationships.

D. Term of the Relationship

For purposes of the Program, the mentoring relationship is intended to last for approximately one year, which is referred to as the “mentoring term.” The mentoring term for new lawyers will begin sixty days after their date of admission. The mentoring term for May admittees will end on June 30th of the calendar year following the calendar year of admission. The mentoring term for November admittees will end on December 31st of the calendar year following the calendar year of admission. Completion of the Mentoring Plan must occur during the mentoring term.

Although the mentoring term is only for approximately one year, the participants are encouraged to informally continue their relationship beyond the mentoring term. Certainly, as the new lawyer moves into his or her second and third years of practice, the mentoring relationship can continue to provide a valuable learning setting in which to discuss relevant practice and professionalism issues and participate in the activities in the Mentoring Plan that the new lawyer did not originally elect.

The aim of the Commission on Professionalism is to create meaningful relationships between new and veteran lawyers so that they each want to continue the relationship beyond the mentoring term. Therefore, if both participants wish to continue

their mentoring relationship beyond the mentoring term, they are encouraged to do so by the Commission. However, such a decision on the part of the participants is outside the scope of the Program and wholly within their discretion.

E. Initiation of the Relationship

Prior to the initiation of the mentoring term, the Commission will notify in writing every new lawyer of his or her approved Mentor. Mentors who have been matched to new lawyers will be notified in writing of their matches as well.

The Mentor and new lawyer will be required at their first meeting to discuss, complete and sign a Mentoring Plan which must be submitted within thirty days after the start of the mentoring term. The first meeting will be initiated by the new lawyer, who will be responsible for contacting the Mentor to schedule the meeting.

Either party may initiate meetings thereafter, although it is ultimately the responsibility of the new lawyer to ensure that the Mentor is contacted to schedule meetings. Participants are encouraged to discuss during their first meeting their preferences regarding how they would like to schedule their future meetings. Participants may want to bring their calendars to each of their meetings so that they may schedule their next meeting before they leave.

V. The Mentoring Plan & Mentoring Agreement

A. Mentoring Agreement

All Mentors and new lawyers will be required to sign an agreement that defines the parameters of the mentoring relationship and limits potential liability. The Mentoring

Agreement must be signed by the Mentor and new lawyer at their first meeting and submitted with their Mentoring Plan within thirty days of the start of the mentoring term.

B. Preparation and Submission of Customized Mentoring Plan; Minimum Requirements

The Mentoring Plan includes core concepts, lawyering skills, activities and experiences which should be used as learning activities for the new lawyer and Mentor and as topics for discussion between them. The activities and experiences are an introduction to the topics with which lawyers need to be familiar for the successful and professional practice of law.

The Mentoring Plan should be developed by Mentor and the new admittee together during their first meeting. Each individualized Mentoring Plan should incorporate as many of the activities and experiences as feasible, while being customized to the particular practice setting, individual needs and personal goals of the new admittee.

The Mentoring Plan lists activities and experiences grouped by topic. Instructions accompany each topic indicating the minimum number of activities which must be elected in each section and the suggested timeframe within which the section might be completed.

Each activity has a corresponding box which should be checked if the new lawyer elects to participate in the corresponding activity or experience. Once the new lawyer and Mentor check the activities that will make up their Mentoring Plan, both of them must sign the Mentoring Plan Pledge. The executed Mentoring Plan must be submitted by the new lawyer to the Commission on Professionalism, along with the executed Mentoring Agreement, within thirty days of the start of the mentoring term. Both the

new lawyer and Mentor should retain a copy of the Mentoring Plan and Mentoring Agreement.

The Mentoring Plan submitted to the Commission will be the checklist of activities which the new lawyer and Mentor are required to complete together by the end of their mentoring term.

There are three minimum requirements for successful completion of the Program:

- Participants must engage in a minimum of six in-person meetings over the course of the term for a minimum of nine mentoring hours;
- Regardless of how many additional hours it takes to complete the Mentoring Plan, participants must finish all of the activities and experiences selected in the Mentoring Plan; and
- Participants must participate in a discussion about substance abuse and mental health issues.

These are, of course, minimum requirements. The Commission would encourage more than the minimum number of meetings. For example, it suggests monthly one-hour in-person meetings throughout the mentoring term with a number of other regular contacts throughout each month. Additionally, the Commission suggests that the participants engage in as many of the activities which are of interest and relevant to the new lawyer's practice, even if the total number of activities exceeds the minimum number of activities required. Finally, the Commission suggests supplementing the Mentoring Plan with other mutually interesting activities which the new lawyer or Mentor discover over the mentoring term, as well as discussing concepts that may have been introduced in the New Lawyer Training course(s) that the new lawyer takes.

Engaging in additional meetings or activities will not result in receiving more CLE credit or negating the requirement to complete the activities originally selected in the Mentoring Plan, but it will likely foster a more meaningful relationship between the new admittee and Mentor and produce a more valuable learning experience for the new admittee.

C. Resources for Completing Activities/Experiences in Mentoring Plan

Many of the activities and experiences listed in the Mentoring Plan reference Worksheets. Worksheets are intended to be tools for participants to use for facilitation of discussions on the corresponding topics or for references to other resource materials which may be helpful for discussion or future follow-up on the corresponding topics. Completion of the Worksheets is not mandatory, but participants are encouraged to use them. In addition to utilizing Worksheets for the facilitation of discussions, Mentor should provide a meaningful review and suggestions for practical application of the concepts found in A Lawyer's Creed and A Lawyer's Aspirational Ideals as applied to each Mentoring Plan topic.

D. Certificate of Satisfactory Completion

In order to receive credit for completing the Mentoring Plan, the new lawyer must submit to the Commission on Professionalism by the last day of the mentoring term a Certificate of Satisfactory Completion signed by both the new lawyer and Mentor, indicating that the participants met for at least the required number of in-person meetings and completed all of the activities elected in their Mentoring Plan.

The Secretary shall review the Certification submitted by a new lawyer to determine whether it may be approved for participant credit. If the Secretary approves

the Certification, s/he will notify the Commission on Continuing Legal Education (“CCLE”) of the new lawyer’s and Mentor’s satisfactory completion for their appropriate CLE credit. If the Secretary determines that the Mentoring Plan has not been satisfactorily completed in accordance with the Program rules, the Certification will not be approved and CLE credit will not be authorized. In the event of denial of credit, a written notice will be sent to the new lawyer and the CCLE explaining the reasons for such denial. If the Mentor has requested CLE credit but the Secretary denies such request, Mentor will be notified in writing with an explanation of the denial.

E. Penalties for Failure to Complete the Program

The new lawyer who chooses to participate in the program and fails to complete the program will not receive New Lawyer Training credit and will have to complete the entire twelve hours of New Lawyer Training in classroom instruction. The Mentor who fails to complete the program will not receive CLE credit.

VI. Problems with the Mentoring Relationship

Plans must be devised to deal with situations where, for various causes, it is impractical to continue the mentoring relationship prior to conclusion of the mentoring term. This could occur in any number of situations, including where one of the participants leaves the firm or practice setting where there has been an in-house match, one of the participants moves out of state or otherwise becomes legitimately unavailable, or an irresolvable dispute threatens to dissolve the relationship.

A. Migration of Mentors, New Lawyers and Other Turnover

It shall be the new lawyer's duty to notify the Secretary of migration and turnover, except in situations where the new lawyer has become incapacitated, has disappeared, or has died, in which case the Mentor has the duty to notify the Secretary.

In all situations of migration and turnover, the Secretary shall be notified immediately to determine whether the mentorship should be severed and a new mentorship instituted. Finishing the mentoring term with a new lawyer is always the preferred way to handle these situations.

The Secretary shall make all decisions in this regard, using a rule of reason. Decisions will be made on a case-by-case basis, taking into consideration individual circumstances and other factors, such as what has or has not been achieved during the mentorship, the remaining activities/experiences of the Mentoring Plan which still need to be completed, the time left in the mentoring term, and whether the minimum number of mentoring hours have been completed. Decisions in this regard shall be communicated in writing to the new lawyer.

In the event that the minimum number of mentoring meetings has not been completed and the Secretary determines that a new mentorship shall not be reconstituted, the new lawyer will be required to audit Continuing Legal Education course(s), New Lawyer Training course(s), or other course(s) that the Commission on Professionalism might develop for this purpose.

The Secretary shall determine the number of hours which must be audited and the subject matter of the class(es) that the new lawyer will be required to audit. Decisions in this regard will be made on a case-by-case basis, taking into consideration factors such as

the subject matters of the completed and remaining activities/experiences of the Mentoring Plan and the subject matters of classes which would be available for audit before the end of the mentoring term. Decisions shall be communicated in writing to the new lawyer.

B. Breakdown of Mentoring Relationship

The Commission recognizes that some of the most meaningful mentoring relationships are based on personal chemistry, which may not always be achieved when a match has been made between strangers despite an attempt to best match each person's personal profile criteria. There may be situations where a mentoring relationship breaks down and one or both of the participants feels as though that s/he is unable to work with the other.

Because the Program focuses on the relationship between the Mentor and the new lawyer, such relationships must be given special attention. If either participant senses problems in the mentoring relationship, they each have a responsibility to attempt to discuss and resolve the problem with the other. If such attempt fails, they should immediately contact the Secretary to discuss the problem. In most situations, the Secretary will mediate the dispute between the participants to attempt to salvage and strengthen the mentoring relationship. Such resolution will normally be attempted because of the great value in learning to work with more senior or junior members of the profession despite imperfections in those business relationships.

In compelling circumstances, the Secretary may determine that the breakdown in the mentoring relationship cannot be repaired, and the relationship must be severed. In those instances, the Secretary will determine how the new lawyer should complete his/her

mentoring term, using a rule of reason and taking into consideration such factors as those considered for determinations regarding migration of Mentors, new lawyers, or other turnover.

C. Award of Partial CLE Credit to Mentors When Appropriate

In circumstances where the breakdown of the mentoring relationship is not attributable to the Mentor (e.g. migration of a new lawyer, serious illness of a new lawyer, a new lawyer's decision to change to inactive status, etc.), the Secretary may, in his/her discretion, award an appropriate number of hours of CLE credit to the Mentor for the time invested in the mentoring relationship. This practice will acknowledge the value of the Mentor's time and dedication to the mentoring relationship despite a new lawyer's failure to complete the mentoring term.

VII. Administration of Program

A. Administrative Structure

The Program will be implemented by the Commission on Professionalism and staffed by the Secretary to the Commission on Professionalism and his/her agents/designees. Under delegated authority from the Commission, the Secretary will make decisions regarding the daily implementation of the Program and the development of resources for it, with regular updates to the Commission. The Secretary will consult the Commission on issues with which s/he needs assistance. If significant revisions to Program policy are proposed, the Commission shall consider such proposals. Any significant changes that are made to Program policy shall be adopted by the Commission.

Official record-keeping of the completion of the Program as a component to the New Lawyer Training Program will be kept by the CCLE. Enforcement for sanctions due to failure to complete the Program will be administered by the CCLE under its powers in Gov. Bar R. X.

B. Periodic Evaluation of the Program

The Commission has developed detailed evaluations that attempt to measure the value and success of the Program. These evaluations assess the program's administrative structure, curriculum, and facilitation. Evaluations will be required of each Mentor and each new lawyer who participates in the program.

The program will be reviewed by the Secretary and the Commission on Professionalism every three years, at which time the Commission will submit a report to the Court providing statistics about program participants, an overview of feedback received from participant evaluations, and an assessment of the program's success.