



EXECUTIVE SUMMARY

REPORT ON THE

TRANSITION INTO LAW PRACTICE PROGRAM

BY THE

STANDARDS OF THE PROFESSION COMMITTEE

OF THE

COMMISSION ON CONTINUING LAWYER COMPETENCY

PURSUANT TO

THE STATE BAR OF GEORGIA'S "SUNSET POLICY"

TO THE

SUPREME COURT OF GEORGIA

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BOARD OF GOVERNORS

•

EXECUTIVE COMMITTEE

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COMMISSION ON CONTINUING

LAWYER COMPETENCY

JANUARY 16, 2008

**EXECUTIVE SUMMARY OF THE REPORT ON THE
TRANSITION INTO LAW PRACTICE PROGRAM
BY THE
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I'm glad I was admitted to practice law when this program was being offered. Please continue providing the mentoring program – its great!

- A Beginning Lawyer in Outside Mentoring

I. Purpose Of Executive Summary

1. Compliance With “Sunset Policy”. This document is an Executive Summary of the Standards of the Profession Committee Report Pursuant To the State Bar of Georgia's “Sunset Policy” adopted by the Board of Governors on August 19, 2004. In accordance with the “Sunset Policy”, all new programs are allowed to operate for three years. In the third year, the Program must be evaluated for effectiveness.

Because the Transition Into Law Practice Program (the “Program”) was created pursuant to State Bar Rules approved by the Supreme Court of Georgia, the Supreme Court retains the ultimate authority to authorize the Program's continuation. The Program also operates under Regulations promulgated by the Commission on Continuing Lawyer Competency (the “CCLC”).

2. Program Accountability To State Bar Leadership. The Program Director has provided status reports at every CCLC meeting since the Program began. Members of the Board of Governors have received formal reports as follows: June 4, 2005 (oral report); August 18, 2005 (oral report); November 18, 2005 (oral and written report); June 3, 2006 (oral and written report); September 15, 2006 (oral and written report); April 11, 2007 (oral and written report); and November 2, 2007 (written report).

Prior to submitting this report to the Supreme Court of Georgia, the Standards of the Profession Committee will, in compliance with the State Bar of Georgia's “Sunset Policy”, present this Report to: (1) the CCLC; (2) the Executive Committee of the Board of Governors of the State Bar of Georgia; and, (3) the Board of Governors of the State Bar of Georgia.

II. Overview of Transition Into Law Practice Program

A. Program Goal. The goal of the Program is to afford every Beginning Lawyer newly admitted to the State Bar of Georgia with meaningful access to an experienced lawyer equipped to teach the practical skills, seasoned judgment, and sensitivity to ethical and professionalism values necessary to practice law in a highly competent manner.

B. Program Enrollment. The Mandatory Transition Into Law Practice Program applies to all Beginning Lawyers admitted to the State Bar of Georgia after June 30, 2005, with specified exceptions.¹ Since the Program began, 1,709 Beginning Lawyers have completed the Program, and 1,009 Beginning Lawyers are currently enrolled in the Program.

C. Program Components. The Program is an educational program that consists of two (2) components: (1) a Mentoring component; and, (2) a Continuing Legal Education component.

The Mentoring component was developed by, and is administered by, the Transition Into Law Practice Program Department of the State Bar of Georgia under the auspices of the Standards of the Profession Committee.

¹ Lawyers who enter the practice of law as federal, state local, or other governmental employees may satisfy the requirements of the Program by participating in an approved new lawyer mentoring program specially designed for the governmental office or agency under policies and procedures established by the Standards of the Profession Committee and the Commission on Continuing Lawyer Competency.

The following lawyers are not covered by the mandatory program:

1. Lawyers admitted to practice in this state who have principal practices in another state (State Bar Rule 8-104 (C)(4));
2. Lawyers who have been admitted to the practice of law in another United States jurisdiction outside of Georgia for two or more years prior to admission to practice in Georgia (State Bar Rule 8-104 (B)(1)(a)); and
3. Lawyers serving as Judicial Law Clerks. These lawyers will not be subject to the mandatory program during the period of the judicial clerkship but will be covered once the clerkship ends for the first year thereafter that they engage in the practice of law in this state. (State Bar Rule 8-104 (B)(1)(b)).

The Continuing Legal Education component was developed by, and is administered by, the Institute of Continuing Legal Education in Georgia ("ICLE").

D. Mentoring Component. The Supreme Court of Georgia has appointed 1,605 Mentors since the implementation of the Program. Mentor recruitment efforts have been strong and have consistently resulted in the appointment of more Mentors than required. This is one indication of the level of support for the Program amongst experienced members of the Bar.

Mentors must meet minimum qualifications, including being a member of the State Bar of Georgia in good standing, with at least five (5) years practice experience, and with a reputation in the local legal community for competence and ethical and professional conduct.

*This Program is an excellent way to teach
new attorneys how to practice law.*

- An Inside Mentor

1. Three (3) Types Of Mentoring. Three types of Mentoring are offered: **Inside Mentoring** (The Beginning Lawyer works in association with his or her employer-selected Mentor.); **Outside Mentoring** (The Beginning Lawyer is a sole practitioner who is paired one-on-one with a Mentor outside his or her office.); or, **Group Mentoring** (The Beginning Lawyer is either unemployed or employed in a non-legal setting.). A comprehensive manual for each type of mentoring is available for Mentors and Beginning Lawyers on the State Bar of Georgia website. Each manual is an inclusive "one-stop" resource that a Mentor or Beginning Lawyer, without any previous knowledge of the Program, can access for full Program information and forms.

2. Inside Mentoring. Inside Mentors are recruited from within the Beginning Lawyer's law firm or organization. The choice of whom to nominate as Mentor is the prerogative of the Beginning Lawyer's supervisor or the managing partner, subject only to the Mentor's meeting the minimum qualifications of the Program. Similarly, the

decision upon whether the Beginning Lawyer – Mentor pairing will be one-on-one or whether several Beginning Lawyers are paired with one Mentor is the prerogative of the Beginning Lawyer's law firm or organization.

*Everyone needs a Mentor – this
experience has been invaluable!*

- A Beginning Lawyer in Inside Mentoring

3. Outside Mentoring. A Beginning Lawyer who is a sole practitioner has the option to nominate his or her own Outside Mentor, subject to his or her nominee's meeting the minimum qualifications for appointment. The majority of Outside Mentors for sole practitioners are recruited through nomination by the Beginning Lawyer. In those instances where the Beginning Lawyer is unable to locate an Outside Mentor on his or her own, the Director of the Transition Into Law Practice Program has the responsibility to pair that Beginning Lawyer one-on-one with an Outside Mentor.

To insure diversity in recruiting Mentors generally, and recruiting Outside Mentors specifically, the Program Director has regularly consulted with the leadership of voluntary bar organizations such as the Georgia Association for Women Lawyers, the Georgia Association of Black Women Attorneys, the Gate City Bar Association, and the State Bar of Georgia Minorities in the Profession Committee. Additionally, the Program Director has briefed the Multi-Bar Leadership Council², and regularly circulates a listing of Beginning Lawyers Needing Outside Mentors to members of the Multi-Bar Leadership Council.

² The Multi-Bar Leadership Council is comprised of leadership representatives from the following organizations: Atlanta Bar Association; Dekalb Bar Association; Dekalb Lawyers' Association; Gate City Bar Association; Georgia Alliance of African American Attorneys; Georgia Asian Pacific American Bar Association; Georgia Association of Black Women Attorneys; Georgia Association for Women Attorneys; Georgia Hispanic Bar Association; IndusBar of Georgia; and the State Bar of Georgia Diversity Program.

An excellent program – especially for new attorneys going into solo practice. Having a Mentor gives me a “sounding board”.

- A Beginning Lawyer in Outside Mentoring

4. Model Mentoring Plan. To assist Mentors and to maintain structure and uniformity, a Model Plan of Mentoring Activities and Experiences (available on the State Bar of Georgia website) has been developed by the Standards of the Profession Committee. Using the Model Mentoring Plan as a guide, each Mentor and Beginning Lawyer in Inside Mentoring or Outside Mentoring prepares a Mentoring Plan, signs it, and submits it to the Program Director. The Program Director insures that each plan includes minimum key elements approved by the Committee and by CCLC.

5. Compliance For Prosecutors and Public Defenders. Beginning Lawyers employed as Assistant Prosecutors (or Solicitors) or employed as Assistant Public Defenders have complied with Program requirements through participation in compliance programs developed by the Prosecuting Attorneys Council of Georgia, or the Georgia Public Defender Standards Council, in collaboration with the Program Director under policies and procedures established by the Standards of the Profession Committee and CCLC.

6. Compliance For Large Firms – Master Mentoring Plans. Beginning Lawyers associated with law firms and legal organizations that routinely employ significant numbers of newly admitted attorneys each year have complied with Program requirements through Master Mentoring Plans. A Master Mentoring Plan is a written plan of mentoring activities and experiences developed in collaboration with the Program Director under policies and procedures established by the Standards of the Profession Committee and CCLC. Master Mentoring Plans have been approved for use by 18 law firms and legal organizations that routinely employ significant numbers of newly admitted lawyers.

7. Group Mentoring. Because the membership of this group of Beginning Lawyers tends to be very fluid - it is common for Beginning Lawyers who are not yet employed in legal positions to transition into and out of employment positions – mentoring for these Beginning Lawyers occurs in groups. Group Mentoring events track the Model Mentoring Plan and provide Beginning Lawyers with the best the Transition Into Law Practice Program has to offer by exposing them to a variety of experienced Georgia lawyers from different backgrounds and practice areas.

Most Group Mentoring events occur at the State Bar Center. No fees are charged for these events. Program costs are paid from the Transition Into Law Practice Program budget.

Group Mentoring events occurring at the State Bar Center are facilitated by the Program Director. Approximately 60% of the faculty of experienced attorneys recruited for these Group Mentoring events has been female, and approximately 40% of the faculty are ethnic minorities. Additionally, the Program Director has invited members of the Multi-Bar Leadership Council to make presentations to Beginning Lawyers at Group Mentoring Seminars.

Other Group Mentoring events have included a Fulton County “Courthouse Tour” hosted by Superior Court Judge Philip Etheridge; and a Dekalb County “Courthouse Tour” hosted by Superior Court Judge Cynthia J. Becker. Judges from the Northern District of Georgia have authorized a “Courthouse Tour” of the Federal Courthouse in Atlanta.

Evaluations from Beginning Lawyers enrolled in Group Mentoring consistently demonstrate that Group Mentoring events enabled them to narrow the focus of the legal practice areas they wish to pursue, as well as helped them develop legal career goals.

Group Mentoring was invaluable! The overview of services provided by the State Bar and the Courthouse Tour were great!

- A Beginning Lawyer in Group Mentoring

D. Continuing Legal Education Component. The purpose of the Continuing Legal Education Component is to support the mentoring component. Experience in

conducting CLE programs for Beginning Lawyers in the first year of the mandatory program showed that this can be done most effectively by offering a one-day program that concentrates on providing information about the various and extensive services and resources available to lawyers from the State Bar of Georgia and addressing topics that relate to general aspects of lawyering, rather than to specific practice areas. Under CCLC Rules, Beginning Lawyers are now required to complete this one-day program and then to take an additional six-hour CLE course on a subject and at a time of their choosing within the year of admission to the Bar or the next succeeding year.

As currently designed, a live one-day program open to all Beginning Lawyers who are not in the separate CLE programs specially designed for and offered only to prosecutors and public defenders is held twice a year (once in February and the other in September) at State Bar Headquarters. Video replays are available for Beginning Lawyers who cannot attend the live presentation. Approximately 1,500 Beginning Lawyers have attended a Beginning Lawyer Program in person or by video replay to date, with another live program scheduled for February 20, 2008.

This one-day program has two related, but distinct objectives. First, it undertakes to provide information about the rich array of services and resources available to members of the State Bar of Georgia in a presentation organized and moderated by Cliff Brashier, the State Bar Executive Director. Lawrence F. (Larry) Jones, the Director of ICLE, discusses CLE requirements and provides a list of ICLE "Nuts and Bolts" programs in a variety of practice areas that may be of particular interest to Beginning Lawyers. Paula J. Frederick, Deputy General Counsel of the State Bar, makes a presentation on the Bar's Disciplinary Process, and J. Randolph (Randy) Evans, a partner at McKenna Long Aldridge who speaks nationally on legal malpractice issues, does a presentation on practical steps to take to prevent legal malpractice.

Second, the program utilizes two panels of experienced lawyers from different practice areas to offer their perspectives on two topics that cut across the practice of law: how can you effectively work with your own client and how can you effectively act on behalf of your client with others (other lawyers, witnesses, judges, etc.).

These panels seek to provide practical advice (when and how do you discuss fees? how soon do you return telephone calls? how do you decline a representation?

E. Program Oversight And Administration. The Program operates under the auspices of the Standards of the Profession Committee of the CCLC pursuant to the CCLC's general supervisory authority to administer the continuing legal education rules.

The Standards of the Profession Committee is a committee of the CCLC with responsibilities for devising and recommending policy to the CCLC as to the operation of the Program.

Two full time State Bar of Georgia employees, a Program Director and an Administrative Assistant, staff the Program. In addition to working under the supervision of the Chief Operating Officer of the State Bar of Georgia, the Program Director also reports to the Chair of the Standards of the Profession Committee and to the Executive Director of the Chief Justice's Commission on Professionalism.

F. Program Budget. At all times since implementation, the Transition Into Law Practice Program has operated within budget. The Program is designated as the "Standards of the Profession" Department within the State Bar of Georgia budget.

Funding for the Program's annual budget has been provided by a ten-dollar per member dues increase (effective for the Bar year that began on July 1, 2005). The Board of Governors approved this dues increase at the same time that the Board approved the Implementation Plan, on August 19, 2004.

G. Program Evaluation. All Beginning Lawyers and Mentors who have participated in the Transition Into Law Practice Program have had the opportunity to evaluate the effectiveness of the Program. The Evaluation Instrument was approved by the Standards of the Profession Committee.

1. 2006 Program Evaluation Results. In January 2007, evaluations were solicited from the inaugural group of Beginning Lawyers and Mentors who were enrolled in the Program during calendar year 2006. The evaluation results were impressive. 97% of Mentors and 92% of Beginning Lawyers responding reported that the Program

how should you respond to a bully?). On a deeper level, they seek to model good professional behavior over a variety of different circumstances so that Beginning Lawyers can hear straight from experienced lawyers how to cope with law practice concerns that they will encounter.

At each program the President of the State Bar and the President or President-Elect of the Younger Lawyer Division have made personal appearances to welcome the Beginning Lawyers as new members and to explain something about the purpose of the organization. And, a Justice of the Supreme Court of Georgia or Judge from the Court of Appeals of Georgia has welcomed the new members of the profession with greetings from the Judiciary to serve as a reminder and admonition that the new lawyers have entered a high calling.

The program evaluations by attendees have been very positive. For the September 2007 program, for example, on a scale where 1=poor, 4=very good and 5=excellent, the overall assessment of the program was 4.2 and every presentation was rated as 4.1 or higher. And, attendees agreed that each of the segments of information presented was beneficial to their respective practices, rating each at 4.1 or higher, on a scale where 1=strongly disagree, 4=agree, and 5=strongly agree.

The evaluations from the programs presented in February 2007 and September 2006 were similarly positive. Using a scale where 1=not useful, 3=useful and 5=highly useful, attendees rated those programs overall at 4.03 and 4.23, respectively, in terms of usefulness.

The evaluations from the last three programs strongly support the conclusion that the CLE component is succeeding in providing relevant information that is beneficial to Beginning Lawyers. Program agendas showing topics and listing speakers are attached as Appendix E to the full report.

The CLE program for Beginning Lawyers is conducted by ICLE. Experience in presenting the program shows that the CLE component can be sustained as a high quality adjunct to the mentoring component.

had accomplished its goal³. An even higher percentage - 98% of Mentors and 94% of Beginning Lawyers responding - recommended that the Program be continued for future Beginning Lawyers.

Great experience for the first year of practice. Gave me the confidence needed to start my own practice!!

- A Beginning Lawyer in Outside Mentoring

2. 2007 Program Evaluation Results. In January 2008, evaluations were solicited from the Beginning Lawyers and Mentors who were enrolled in the Program during calendar year 2007. 99% of Mentors and 93% of Beginning Lawyers responding reported that the Program had accomplished its goal. Further, 99% of Mentors and 95% of Beginning Lawyers responding recommended that the Program be continued for future Beginning Lawyers.

Working with my Mentor on cases definitely helped from a legal standpoint, but this Program additionally helped with other intangibles also.

- A Beginning Lawyer in Insider Mentoring

H. Program Compliance Rate Among Beginning Lawyers. Compliance with Program requirements has been excellent. 99 % of the Beginning Lawyers enrolled in the Program during calendar year 2006 completed all Program requirements.

I. State Bar Website - Comprehensive Program Materials . The Program Director has developed comprehensive resources for Mentors, Beginning Lawyers, and other interested parties on the State Bar of Georgia website at the following link:

³ The goal of the Transition Into Law Practice Program is to afford every Beginning Lawyer newly admitted to the State Bar of Georgia with meaningful access to an experienced lawyer equipped to teach the practical skills, seasoned judgment, and sensitivity to ethical and professionalism values necessary to practice law in a highly competent manner.

[http://www.gabar.org/programs/transition into law practice program.](http://www.gabar.org/programs/transition%20into%20law%20practice%20program)

The comprehensive materials include the "Inside Mentoring Manual" (54 Pages), the "Outside Mentoring Manual" (58 Pages); and the "Group Mentoring Manual" (34 Pages). Each Manual is designed to be an all inclusive "one-stop" resource that a Mentor Volunteer or Beginning Lawyer without any previous knowledge of the Program can access for full Program information, including checklists for getting started, applicable Program timelines, answers to frequently asked questions, the model mentoring plan, and, every other applicable Program form from start to finish.

J. Other Bar Organizations. Georgia's Transition Into Law Practice Program has been the focus of inquiries from other bar organizations since its implementation. Thirty (30) other states have sought information about the Program. Bar Leaders from the countries of Brazil, Canada, Portugal, Scotland, and the Peoples Republic of China have also sought information from the Program Director.

The State Bar of Ohio has conducted a pilot project based upon Georgia's Program. Executives of the State Bars of Florida, Ohio and Utah have visited the State Bar Center to study Georgia's Program operations first hand.

Georgia's Program will be highlighted at a national symposium on Mentoring in March 2008 hosted by the South Carolina Chief Justice's Commission on Professionalism. Georgia's Program Director will be among the faculty for the event.

K. National and Out-Of-State Bar Publications. Since implementation, Georgia's Program has been featured in numerous legal publications, including the National Law Journal and the ABA Bar Leader magazine distributed to leaders of bar associations.

A sample compilation of listings referring to our Program includes: Sandhya Bathija, Give Us Real-Life Lawyers, The National Law Journal, October 9, 2006 at 21; Robert J. Derocher, *Mentoring Helps New And Experienced Lawyers Make The Connection*, Bar Leader, July-August 2006 at 8; and, Neil Hamilton and Lisa Montpetit Brabbit, *Fostering Professionalism Through Mentoring*, Journal of Legal Education, Volume 57, Number 1 at 1, (March 2007) .

A complete copy of the above referenced article from the Bar Leader magazine was included in the "Board Book" materials for the 2006 Fall Meeting of the Board of Governors (Pages 161 – 166).

III. Full Report - Frequently Asked Questions And Answers.

A review of this Executive Summary may prompt a number of questions about the Program's operations. For copies of the full text of the Report of the Standards of the Profession Committee, contact Douglas Ashworth, the Program Director at 404.527.8704 or doug@gabar.org.

This is an excellent program that should be continued.

- An Outside Mentor

IV. Conclusions.

The State Bar of Georgia's Transition Into Law Practice Program is ambitious, multi-faceted, and effective. The Beginning Lawyers and Mentors participating have rated the Program as successful in written evaluations.

As designed, the Program sought to improve the Transition Into Practice for all Beginning Lawyers and, at the same time, to distinguish between lawyers beginning practice in association with experienced lawyers and those beginning practice on their own or in firms where no lawyer has had five years of experience. As implemented, we believe the Program's inclusion of Inside Mentoring, Outside Mentoring and Group Mentoring is achieving these goals.

As designed, the Program sought to take advantage of existing training and mentoring likely to occur for new lawyers in established practice settings, while seeking to extend and solidify the quality of that mentoring. As implemented, we believe the

Program's use of Master Mentoring Plans in collaboration with large firms and statewide organizations is achieving this goal.

As designed, the Program sought to focus the State Bar of Georgia's efforts and resources for those Beginning Lawyers who start their careers by "hanging out a shingle". As implemented, we believe Outside Mentoring is achieving this goal. As one sole practitioner said on her evaluation form: "This Program gave me a safe place to ask a stupid question".

The Standards of the Profession Committee respectfully requests that the Transition Into Law Practice Program be deemed to have satisfied the State Bar of Georgia's "Sunset Policy" and that the Program be accorded permanent operational status, subject to the approval and authority of the Supreme Court of Georgia.

Respectfully submitted this 16th day of January 2008.

Standards of the Profession Committee
Of The
Commission on Continuing Lawyer Competency

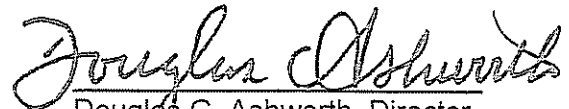
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Standards of the Profession Committee

Of The

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John T. Marshall, Chair

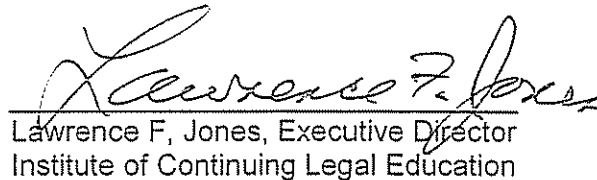

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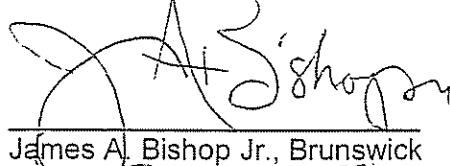

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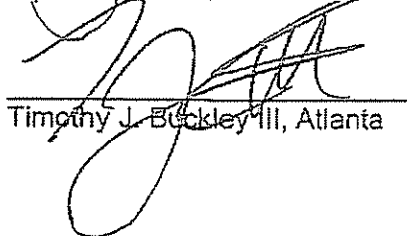

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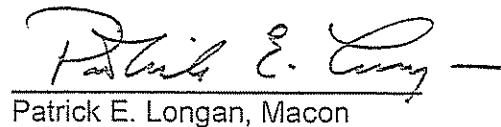

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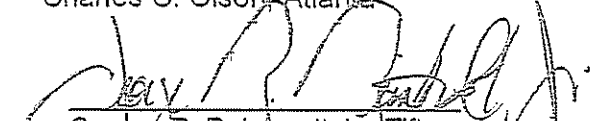

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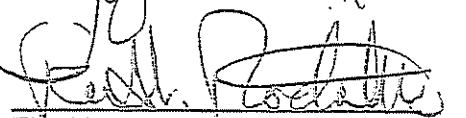

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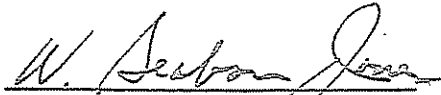

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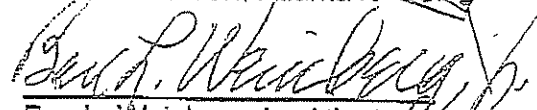

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