

WSBA CONSTRUCTION LAW SECTION COUNCIL MEETING

December 8, 2021 @ 12:00 p.m.

<p>MEETING Virtual Zoom Meeting Only ATTENDEES</p> <p>Rick Wetmore Seth Millstein Bart Reed Travis Colburn Scott Sleight Masaki Yamada Paige Spratt Geoffrey Palachuk Bryce Sinner Brett Hill Carolyn MacGregor Colm P. Nelson</p>	<p>CALL IN INFORMATION Dial: US: +1 669 900 6833 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) Meeting ID: 978 2306 4088 Passcode: 482284</p> <p>https://stoel.zoom.us/j/97823064088?pwd=eFJmUE00alpweE1KVmtMZEVrcXgrZz09</p>
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MEETING MINUTES

1. Approval of November 2021 Minutes – Minutes unanimously approved.
2. Construction Section Annual Report – C. Nelson shared report with the council and there was no further discussion.
3. Financial Report – S. Millstein reported no new financials. Carolyn reported they will be updated in January and will no longer be provided in December.
4. Road Trip CLE Report (Yakima) – Paige is still waiting to hear back from the Yakima local bar association.
5. Winter-Forum – Travis agreed to reach out to Smith Tower and the Sanctuary about pricing and availability in the spring. Council will decide on locations at the next meeting.
6. Mid-Year CLE Planning – Topics and speakers were discussed further and agenda is close to final.
7. Mentor/Mentee Program – Colm asked whether the group was interested in establishing a formal program. Colm and Travis agreed to learn more about the process and present at the next meeting.

8. Updating Form Contracts & Approving Design Build w/ GMP – The latest forms were approved by the council and will be submitted by Bryce to the WSBA for approval.

9. For the Good of the Order – Carolyn reminded the group of any upcoming legislative primer and event regarding possible restructuring of the WSBA.

MENTORSHIP PROGRAM TOOLKIT

*A Programming
Guide for the
Legal Profession*



Mentorship Program Toolkit

Created by the
Washington State Bar Association
Mentorship Program

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Mentorship Program Toolkit

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Program Toolkit

This Toolkit aids organizations in creating mentor/mentee relationships, whose purpose is to share professional guidance, practical knowledge, and essential skills. By furthering mentor/mentee relationships, this guide strives to:

1. Foster professionalism, civility, and collegiality in the legal community;
2. Bridge the gap for new and transitioning attorneys;
3. Promote inclusion and eliminate bias with respect to the practice of law;
4. Encourage professional development, including insights into the practice of law;
5. Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
6. Support the legal community through public service.

This icon represents relevant worksheets or tools that are available for download or can be viewed in the back of this toolkit.



This Toolkit is divided into five segments that include best practices templates, and checklists. The Toolkit and accompanying worksheets are based on programs throughout the country with varying mentorship opportunities. This is a best practice tool for your organization to use and modify based on the needs of your unique programming.

A Commitment to Diversity, Equity, and Inclusion

The Washington State Bar Association is committed to advancing diversity, equity, and inclusion within the legal profession. Over time, we have seen the legal profession and the world around us change. One of these changes is that the communities we live and work in have become more diverse. The business interests of attorneys, employers, and clients call for more diversity in legal representation across the state. WSBA recognizes the need to enhance opportunity for individuals from historically marginalized or underrepresented backgrounds in the legal profession. One goal of a mentorship program is to promote equitable conditions for these to enter, stay, and thrive in the profession.

Recognizing the differences and similarities among mentors and mentees is essential to a successful program. This Toolkit integrates best practices for developing an inclusive program. See Section I. Program Design for more information.

1

PROGRAM DESIGN

For the purposes of this Toolkit, we will cover the most important elements as they pertain to mentorship programming: scope, time, and resources. There is also a list of resources at the end of this *Toolkit* that provide further instructions on how to design and manage a program. When designing your program consider the following questions:

Program Design

- What is the need for a mentorship program in your organization?
- What is the scope of the program? (Are you looking for a full long-term matching design or creating one-time mentorship experiences? If so, review the mentor/mentee application templates for guidance.)
- How does this program fit within your mission, vision, and strategic goals?
- Who is the main audience for this program? Mentor, mentee or both?

Diversity, Equity, and Inclusion Considerations

- How do you create a program that is inclusive for members of underrepresented populations (i.e. racial and sexual minorities, disabilities etc.)?
- Will the program include cross-cultural and/or cross-gender mentoring?
- Will you be providing training, coaching, or guidance in crucial conversations?

Analysis of Cost/Staffing and Impact

- What are the parameters, risks, and dependencies associated with this program?
- What type of time/capacity will be needed to operate this program (who is staffing this program)?
- What is the projected staffing cost to develop this type of programming?
- How will you know if the program is making an impact? How are you defining impact/success?



Mentorship Program Project Plan documents will help you think through these questions, and design a timeline for implementation.

Diversity, Equity, and Inclusion

Diversity is an important element of any mentoring program. WSBA defines diversity as meaningful representation of and equal opportunities for individuals who self identify with those groups that are underrepresented in the legal profession based upon, but not limited to disability, gender, age, familial status, race, ethnicity, religion, economic class, sexual orientation, gender identity and gender expression. Social conditioning informs our ideas, perceptions, stereotypes, and assumptions of these various groups, especially those that are different from our own. It is important to take into consideration the challenges of communicating across difference. A strong mentoring program ensures that participants understand the influence of social-constructs related to race, gender, disability, etc. Understanding the influence of these constructs on the development of stereotypes, implicit bias, and negative perceptions can be critical to building healthy and sustainable mentoring relationships. Moreover, a mentoring program should seek to understand and address the issues related to power and privilege across lines of difference and the effects that may have on the mentoring relationship.

For steps to facilitate this discussion refer to this worksheet:



Three Steps to Deepening the Dialogue and Building Healthy Relationships

2 MARKETING AND RECRUITMENT

How you recruit will depend on the type of mentors and mentees you want and the type of commitment each is looking for, or the requirements you design for your program.

Example: If your organization supports immigrant issues, you could email flyers to organizations that work directly with the immigrant community and use list serves that address immigration issues. We also recommend advertising to new legal professionals and those who have a solo or small firm practice. These legal professionals could be great mentors and mentees.

Recruiting and retaining mentors is a challenge that organizations across the country experience. Therefore, recruitment needs to heavily center on mentors. Creating a pathway for mentees to become future mentors is essential. To aid with recruitment refer to these flyers:



[Am I Ready to Be A Mentor](#)



[Quick Tips for Seeking Mentors and Advisors](#)

Both flyers provide questions for mentors/mentees to consider before participating.

3 SCREENING AND PLACEMENT

Matching a mentor and mentee is critical to a successful relationship. Creating a good application and using an application process are best practices. You should include in the placement process someone who had been in your organization for a while and knows the mentors and who could help with suggesting placement options. The process informs the matching and screening of your volunteers, giving you the information you need to make a good match. Sample templates for:



Mentor Application and



Mentee Application are included in this packet.

Remember, these are templates that you may want to modify by deleting and adding certain questions.

Clearly defining the roles of the mentors and mentees is very important in the screening and placement process. This ensures that everyone understands their part in the match and there is no confusion or miscommunication. For example:

- The mentor can be available for professional development or substantive law coaching.
- The mentor is not a professional counselor or a co-counsel on a case.
- The mentee needs to clearly express what they are expecting in a mentor.
- The mentee should not expect the mentor to find the mentee employment.

4

ORIENTATION AND TRAINING

An introductory orientation is strongly recommended for all mentors and mentees and required for MCLE accredited programs. The orientation would consist of an initial meeting so that the mentor and mentee can be clear about the mentoring relationship, purpose, and expectations.

In-person orientations are strongly encouraged since the orientation serves as a starting point in developing the mentoring relationship. In-person orientations also allow the mentor and mentee to ensure they are a good match. We recommend creating written materials that supplement the information presented.

Additional Materials for Orientation



Mentorship Curriculum Guide—includes worksheets to help mentors and mentees identify their goals.



Mentoring Agreement—defines the parameters of the mentoring relationship.



Mentoring Plan—serve as a guide for all subsequent meetings.

For those interested in pursuing MCLE credit, reference the *Self-Directed Structured Program Mentoring Guide* at www.wsba.org/docs/default-source/licensing/mcle/self-directed-structured-mentoring-program-guide.pdf?sfvrsn=73e73af1_8.

5 ONGOING SUPPORT AND MANAGEMENT

Not all matches work out. Your program may need to consider how to manage when a mentor or a mentee aren't good for one another. Below are some points to consider when managing this type of volunteer relationship.

Prevent Over-Involvement in the Match

Create a list serve for easy communication between you and the matches, as well as the matches with each other. Promoting resources, meet-ups, CLEs, or events where matches would find opportunities to engage and connect are appropriate uses of the list serve. Registering for a CLE, however, is the match's responsibility.

Managing Volunteer Relationships

As noted in this *Toolkit*, working with volunteers when either the match isn't working or the volunteer may not be a fit for your program is probably the hardest part of running a mentorship program. Below are best practices for when you need to reassign matches or encourage a mentor/mentee to revisit their motivations and availability.

What Happens When A Match Doesn't Work Out?

Supporting the mentorship match when either the mentor/mentee stops communicating or just isn't working is the most difficult part of running a mentorship program. The right policy, communication, and procedures will help you manage the process and not the volunteers.

Dissolving a Match

The match needs to know what to do and what support you will give if issues arise with their mentor/mentee. Best practices include:

- **Flag:** The mentor/mentee should approach you right away to avoid an irreparable relationship between the pair itself and between the mentor/mentee and you, as the organization.
- **Coach:** Encourage the mentor/mentee to talk with their match to respectfully discuss the challenges.
- **Facilitate:** If the discussion doesn't resolve the issues, work with the match to try and reconcile problems.
- **Reassign:** If it is still not working, the mentor/mentee should contact you and ask for a new match.
- **Exit Evaluation:** Ask the match to complete the evaluation giving the reason what did/did not work (confidentially) to have a stronger chance that the next partnership will be successful. This will also give you feedback on how to make the program better.
- **New Connections:** Work with the mentor/mentee to find a new match.

Mentorship Match Best Practices

A Mentor Withdraws

If a mentor, due to unforeseen circumstances, needs to withdraw their involvement completely, the following steps are suggested:

- **Thank:** The mentor dedicated time and resources to your program. Be sure to thank them for their participation.
- **Exit Evaluation:** The evaluation will provide valuable information on how to improve your program.
- **Ask:** Inquire if the mentor knows of any other potential attorneys who would be willing to volunteer.
- **Remove:** Once a mentor asks to withdraw from the program, remember to remove them from your active list.
- **Reassign:** Connect with the mentee to understand what was working and what they may need in a mentor.

Ending a Relationship With a Mentor or Mentee

Remember that a low-performing volunteer can be just as detrimental to an organization as an employee. The unsuitable relationship can cause mistrust, low morale, and a dissatisfying experience overall for everyone. A volunteer may not work out for a wide variety of reasons such as:

- Having different goals
- Having different opinions
- Misunderstanding of the policies/expectations

Prevention Is Key: The first step is to clearly outline the requirements and expectations in the *Mentoring Agreement*. This allows you to have their signature indicating that they understand and will abide by these requirements and expectations.

You may have additional program requirements that could include:

- A certain number of meetings
- Regular communication, which should be defined by the matches, instead of you
- Attendance at a particular training/CLE/event
- Trial observation with post-discussion (remember, the trial cannot be affiliated with the mentor or mentee)

Mentorship Match Best Practices

You also want to lay out expectations:

- The mentor/mentee must follow all of the policies, rules, and guidelines for mentorship;
- The mentor/mentee should respectfully remind the other if they are not adhering to policies, rules, or guidelines, (i.e., not speaking in hypotheticals, etc.);
- Professionalism, respect, and willingness to learn are essential. This includes working with your program and with each other;
- Following through with commitments to your organization and their match;
- Both individuals need to keep confidentiality with what is shared (remember, any client/case information must be hypotheticals);
- Harassment and discrimination are not tolerable.

Address: If someone breaks policies or expectations, talk to them respectfully. Assume the best in that person and be willing to give a second chance. It will be a difficult conversation. You owe it to the individual and your organization to find out why they broke with policy.

Decide: Do you need to dissolve the relationship or give a gentle reminder of policy and next steps if they continue to break policy and expectations?

Act: If you decide it is time to dissolve the relationship, act quickly, professionally, and firmly. Give the volunteer the choice to tell the match or have you pass on the news.

Additional Mentorship Programs and Resources

Please note: These resources are provided for reference purposes only.

501 Commons

www.501commons.org/resources/tools-and-best-practices/volunteer-management

Their Volunteer Management Guide contains articles, examples and templates that can help with volunteer management.

Colorado Attorney Mentoring Program

<http://coloradomentoring.org>

The CAMP website has a lot of helpful information geared towards matches and can be used to help run your program.

Energize, Inc.

www.energizeinc.com

Energize, Inc. provides training and consultation on volunteerism. Their website has a wealth of information on how to manage volunteers.

Leadership Council on Legal Diversity

www.lclldnet.org/programs/law-school-mentoring/mentoring-toolkit

The LCLD website contains a template that could be useful for the match to fill out at the Orientation and additional helpful tips for the mentor and mentee.

Management Mentors

www.management-mentors.com/products/online-mentoring-certifications

Management Mentors has information and courses to assist you in creating and running a program. They also have helpful material for mentors and mentees. Information is mainly geared towards corporate programs, but it is applicable to all programs.

Oregon State Bar

www.osbar.org/nlmp/resources.html#4

Tips on creating effective mentoring relationships.

Washington State Bar Association Mentorship Resources

www.wsba.org/connect-serve/mentorship

WSBA provides information on mentoring opportunities that currently exist across our state's legal community, in addition to other mentoring resources to support WSBA members. The mentorship webpage also contains articles and links to programs in other states.

Mentorship Program Toolkit

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MENTORSHIP PROGRAM PROJECT PLAN

Start	
Due	
Budget/Cost	
Who	
Stakeholders	
Dependencies	
Risks	

PROGRAM DESIGN

- What is the need for a mentorship program in your organization?
- What is the scope of the program? (Are you looking for a full long-term matching design or creating one-time mentorship experiences? If so, review the mentor/mentee application templates for guidance.)
- How does this program fit within your mission, vision, and strategic goals?
- Who is the main audience for this program? Mentor, mentee or both?

DIVERSITY AND INCLUSION CONSIDERATIONS

- How do you create a program that is inclusive for members of underrepresented populations (i.e. racial and sexual minorities, disabilities etc.)?
- Will the program include cross-cultural and/or cross-gender mentoring?

ANALYSIS OF COST/STAFFING AND IMPACT

- What are the parameters, risks, and dependencies associated with this program?
- What type of time/capacity will be needed to operate this program?
- What is the projected cost to develop this type of programming?
- How will you know if the program is making an impact? How are you defining impact/success?

PROJECT AND GOAL

MENTORSHIP PROGRAM PROJECT PLAN

IMPLEMENTATION

A RACIS matrix is a table used to show roles and responsibilities in a process.

The acronym RACIS stands for:

R - Responsible for the step

A - Accountable for the step

C - Consulted with before the step

I - Informed when the step is completed

S - Support helps Responsible complete the step

Example of RACIS matrix	Jack	Jill	Jane	Joe	John
Phase 1 Research/Need Assessment/Design	R	S	C	I	A
Phase 2 Program Implementation	R	S	C	I	A
Phase 3 Evaluation	S	S	R	A	I

RACIS matrix						
Phase	Description					
1	Research/Need Assessment/Design					
2	Program Implementation					
3	Evaluation					

Add names and assign RACIS roles

Phase 1 Research/Need Assessment/Design

COMPLETED	TASK	PERSON	START	DUE	NOTES
	Research other similar programs				
	Survey member needs				
	Stakeholder Feedback				
	Develop Marketing/Branding Campaign				
	Design Evaluation Plan				

Phase 2 Program Implementation

COMPLETED	TASK	PERSON	START	DUE	NOTES
	Create Volunteer Descriptions				
	Design Website				
	Recruit Mentors				
	Recruit Mentees				
	Hold Orientation				
	Workshop				
	CLE				
	Networking Event				

Phase 3 Evaluation

COMPLETED	TASK	PERSON	START	DUE	NOTES
	Create Survey				
	Administer Survey				
	Data Analysis				
	Report out				

MENTOR APPLICATION

CONTACT INFORMATION

Name _____ **License Number** _____

Employer _____ ***Email** _____

*Email will be the primary means of contact

MENTOR ACKNOWLEDGMENT

- I am an active Washington attorney and in good standing for five or more years.
- I understand that no client information may be discussed with my Mentee in accordance with RPC 1.6.
- I understand that if I am matched with someone in my firm, I must notify the organization immediately.
- I will not co-counsel with my Mentee.
- I understand that I can claim only “other” or “ethics” credits.
- I agree to attend an orientation specific to this program.
- I agree to dedicate the time necessary to the mentoring relationship. If for any reason, I cannot continue my mentoring relationship, I will notify the organization right away.

ABOUT YOU

Undergraduate School _____

Major _____

Law School _____

Year of Graduation _____

Year Admitted to WSBA _____

Practice Area(s) _____

Other Legal Jurisdictions _____

Other Professional Organizations _____

WSBA or other professional activities _____

Volunteer Activities _____

Hobbies and Interests _____

Why do you seek a Mentee?

MENTOR APPLICATION

Check any or all of the following skills/areas you would like to mentor in:

- Practice area –specific issues (based on the practice areas I listed previously)
- Law Office Management (may include technology)
- Court Appearance
- Research
- Substance abuse/mental health issues
- Resource for assessing career paths
- Resource for work-life balance
- Other:

Type of Practice:

- Of Counsel
- Emeritus Pro Bono
- Law Firm
- Government Office
- In-House corporate counsel
- Non-legal job
- Nonprofit Organization
- Solo
- Do not currently practice
- Other:

Size of Firm:

- 1 lawyer
- 2-9 lawyers
- 10-39 lawyers
- 40+ lawyers
- Do not currently practice

Location of Practice:

- Large urban area
- Medium-sized city
- Small city/rural area
- Do not currently practice

Additional relevant information:

BEING MATCHED

- Please match me with a mentee as needed
- Please match me to:

Name of Mentee

Mentee’s Bar Number (if Known)

MENTEE APPLICATION

CONTACT INFORMATION

Name _____ **License Number** _____
Employer _____ ***Email** _____
*Email will be the primary means of contact

MENTEE ACKNOWLEDGMENT

- I am an active Washington attorney and in good standing for five or more years.
- I understand that no client information may be discussed with my Mentor in accordance with RPC 1.6.
- I understand that if I am matched with someone in my firm, I must notify the organization immediately.
- I will not co-counsel with my Mentee.
- I understand that I can claim only “other” or “ethics” credits.
- I agree to attend an orientation specific to this program.
- I agree to dedicate the time necessary to the mentoring relationship. If for any reason, I cannot continue my mentoring relationship, I will notify the organization right away.

ABOUT YOU

Undergraduate School _____
 Major _____
 Law School _____
 Year of Graduation _____
 Year Admitted to WSBA _____
 Practice Area(s) _____
 Other Legal Jurisdictions _____
 Other Professional Organizations _____
 WSBA or other professional activities _____
 Volunteer Activities _____
 Hobbies and Interests _____

Why do you seek a Mentor?

MENTEE APPLICATION

Check any or all of the following skills/areas you would like to mentor in:

- Practice area –specific issues (based on the practice areas I listed previously)
- Law Office Management (may include technology)
- Court Appearance
- Research
- Substance abuse/mental health issues
- Resource for assessing career paths
- Resource for work-life balance
- Other:

Type of Practice:

- Of Counsel
- Emeritus Pro Bono
- Law Firm
- Government Office
- In-House corporate counsel
- Non-legal job
- Nonprofit Organization
- Solo
- Do not currently practice
- Other:

Size of Firm:

- 1 lawyer
- 2-9 lawyers
- 10-39 lawyers
- 40+ lawyers
- Do not currently practice

Location of Practice:

- Large urban area
- Medium-sized city
- Small city/rural area
- Do not currently practice

Additional relevant information:

BEING MATCHED

- Please match me with a mentor as needed
- Please match me to:

Name of Mentor Mentor’s Bar Number (if Known)

MENTORING AGREEMENT

Available as a 1-page WORD.DOC download at:
www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentoring-agreement.docx?sfvrsn=6a1d00f1_7

We, _____ Mentor, and, _____ Mentee, agree to participate in the Self-Directed Structured Mentoring Program in accordance with the terms of this agreement. We understand the goals of mentoring include:

- Foster professionalism, civility and collegiality in the legal community;
- Bridge the gap for new and transitioning attorneys;
- Promote inclusion and eliminate bias with respect to the practice of law;
- Encourage professional development, including insights into the practice of law;
- Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
- Support the community through public service.

We acknowledge and will abide by the following rules:

- Any communication between Mentor and the Mentee is not intended to be the rendering of legal or professional advice to the Mentee or his or her clients, and the Mentee will not rely upon such communications or cause any client to rely upon them.
- No confidential or attorney-client relationship is formed between Mentor and the Mentee as a result of participation in mentoring. Neither the Mentee nor Mentor will identify any client or reveal any client confidence to the other, nor will either seek professional or legal advice from the other about specific legal matters or clients. Instead all discussions about substantive legal matters between the Mentee and Mentor will be limited to hypothetical situations.
- Mentor is not assuming any liability or responsibility with respect to any legal matter of the Mentee’s clients, nor will the Mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the Mentee’s clients.
- Mentor will not co-counsel any matter with the Mentee, nor will Mentor make referrals to or accept referrals from the Mentee during the term of their mentoring term.
- The Mentor and Mentee will not be employed by the same employer.

We hereby certify that we have read the above *Mentoring Agreement* and agree to its terms.

Mentor Signature:

Date:

Mentee Signature:

Date:

MENTORING PLAN

The Mentoring Plan defines the learning curriculum to be carried out during the mentoring relationship. The approved Mentoring Plan template outlines core concepts and skills that the Mentor and Mentee can choose to incorporate when developing their own Mentoring Plan.

Within each category, the learning subjects may be customized to the particular practice setting, individual needs, and personal development. All categories of the Mentoring Plan contain blank lines to allow the Mentor and Mentee to substitute or add other topics of interest from among the APR 11(f)

approved subjects. To the extent interests or needs change during the course of the mentoring relationship, additions, deletions or substitutions may be made to the original Mentoring Plan.

The Mentoring Plan will guide the activities and meetings between the Mentor and Mentee. Although interactions may occur through a variety of means, face-to-face meetings, whether in person or via electronic media, are strongly encouraged.

A) SUBSTANTIVE LAW

Elected	Action	Completion Date
	Discuss the following substantive law subjects:	
	Discuss practice skills such as taking depositions, trial techniques, and interviewing clients.	
	Other:	
	Other:	

B) ETHICS AND PROFESSIONAL RESPONSIBILITY

Elected	Action	Completion Date
	Discuss practices to maintain client confidentiality.	
	Discuss how to screen for, recognize, and avoid conflicts of interest.	
	Discuss the responsibilities of the client and the attorney in decision-making, and the best ways to involve a client in their case.	
	Discuss preparation and proper behavior during discovery.	
	Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
	Discuss common malpractice and grievance traps in your practice area or setting, and how to recognize and avoid common pitfalls.	
	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
	Discuss appropriate ways to handle situations where an attorney believes another attorney has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where a Mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
	Discuss the grievance process and an attorney's duty to cooperate with a disciplinary investigation.	
	Other:	
	Other:	

MENTORING PLAN

C) PROFESSIONAL

Elected	Action	Completion Date
	Discuss professional skills including effective lawyering, leadership, career development, communication and presentation skills.	
	Discuss various career paths such as large firm, small firm, government and non-profit practice, corporate counsel, and nontraditional legal positions and identify resources for exploring options.	
	Discuss long term and short-term career objectives and identify ways to achieve them.	
	Other:	
	Other:	

D) PERSONAL DEVELOPMENT AND MENTAL HEALTH

Elected	Action	Completion Date
	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience, and maximizing career satisfaction.	
	Discuss prominence of substance abuse and mental health issues in the legal profession; review warning signs of substance abuse or mental health problems; what to do if the Mentor, Mentee a colleague, or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
	Other:	
	Other:	

E) OFFICE MANAGEMENT

Elected	Action	Completion Date
	Discuss the following office management matters:	
	Discuss practice development and marketing, client relations, employee relations and responsibilities when opening or closing an office.	
	Other:	
	Other:	

MENTORING PLAN

F) IMPROVING THE LEGAL SYSTEM

Elected	Action	Completion Date
	Discuss types of alternative dispute resolution such as mediation, arbitration, early neutral evaluation, summary jury trials, and collaborative representation.	
	Acquaint Mentee with access to justice issues, various Washington legal services organizations, and opportunities to engage in pro bono activities.	
	Develop an awareness of diversity and inclusion issues in the legal profession by reading recent published studies and articles, and discussing them.	
	Other:	
	Other:	

MENTORING PLAN PLEDGE

We, _____, Mentor, and _____, Mentee, agree upon this Mentoring Plan of activities elected above. We pledge that we will devote the time and effort necessary to carry out this Mentoring Plan.

WSBA MCLE Requirements Checklist

For organizations with mentorship programs seeking MCLE accreditation, follow these instructions and send application and materials to mcle@wsba.org. It is your responsibility to inform MCLE of any changes in your program or if the program is terminated.

Overview of MCLE requirements:

Organization's Application Requirements:

- Application Form
- Description of the Program
- Mentoring Agreement
- Mentoring Plan
- Evaluation Form

Please note: Send the application & materials to mcle@wsba.org. It is your responsibility to inform MCLE (mcle@wsba.org) of any changes in your program or if the program is terminated.

Mentor/Mentee Eligibility

- Active members of the WSBA
- Match must not work for the same employer
- Mentor must be a WSBA member in good standing for at least 5 years. Mentors cannot charge or be paid.

Mentors and Mentees Responsibilities:

- Attend an orientation meeting (not available for CLE credit)
- Sign a mentoring agreement
- Create a personalized mentoring plan
- Have face-to-face mentoring meetings (in person or electronic, i.e., Skype)
- Provide an evaluation to the Organization
- Report MCLE Credits (see page 9 of the included MCLE Portal Member Guide)

MCLE Credit Information (APR 11)

- Credits are earned at the rate of one credit per each 60 minutes of mentoring.
- Credits can only be applied as "Other" or "Ethics" credits.
- Approved [Structured Mentoring Program](#) or the [Self-Directed Structured Mentoring Program](#) must be followed.

A Sample Orientation and Training Agenda

1. Share The Following Information (15 Minutes):

- Organization's goals, mission, vision (as an organization and of mentoring program)
- How were mentors/mentees paired?
- How does the program work? What are the policies of your particular program?
- How does the pair receive credit?
- Organization's resources and other outside programs

2. Address (15 Minutes):

- The fear of difference and finding common ground
- Cultural, i.e. able-bodiedness, geographic location, etc.—and gender-based assumptions
- How to openly discuss differences for mutual learning
- Managing and recovering from **micro-inequities** (mentors and mentees)

Micro-inequities are messages of prejudice that are often unconscious and subtle. These messages can be verbal or non-verbal.

3. Allow the matched pairing time to work on the Mentoring Plan and sign the Mentoring Agreement. (45 minutes)

Three Steps to Deepening the Dialogue and Building Healthy Relationships

Gender binary is the classification of all people into one of two distinct and separate forms of masculine and feminine. The binary model is viewed as rigid and is grounded in a person's physical anatomy.

Implicit Bias includes the beliefs we carry without conscious awareness.

1. Finding common ground: We refer to common ground as the space two or more individuals are able to occupy through a shared experience. This is where we build on our similarities. For instance, both the mentee and mentor may discover they are both parents. This is a great opportunity to discuss the joys and challenges of parenting while actively practicing law. Each time similarities are discovered, the common ground shared expands its space to include both participants. As this space expands, the relationship organically strengthens and the connection deepens. This provides fertile ground for continued mutual learning and a more sustainable relationship.

2. Overcoming the fear of difference: Often, individuals are afraid of cross-cultural conversations because they worry about making a social faux pas. Openly discussing this and creating the opportunity to learn from one another can serve to greatly reduce this fear. Some topics to openly discuss are:

- a. Implicit bias (we all have them regardless of race, economic status, gender, etc.)
- b. Systemic oppression
- c. Cultural competence
- d. Micro-inequities
- e. Conflict resolution through in-person dialogue

3. Mutual learning through differences: The mentoring relationship can become the space for mutual learning by openly and freely discussing the natural differences that exist for both mentor and mentee such as (but not limited to):

- a. Professional experience
- b. Cultural background
- c. Generation
- d. Racial stereotypes
- e. Gender perceptions
- f. Disability/impairment
- g. Economic status



Evaluation Checklist

You can evaluate at any time to ensure your goals are being met and to change aspects of the program to further its success. The type of evaluation you design determines how often you will analyze your program. Best practices suggest that when piloting a program, administering an annual evaluation allows for course correction early enough to improve the success of your program. A good evaluation has four key elements and most of it is defined during program design. This allows you to know what impact your program has on your matches.

- 1. Focus:** What type of evaluation are you trying to conduct? The most common types of questions asked fall under one of the categories below. You determine if you want to design evaluations that address all four categories or if you want to focus on just a few.

 - Program theory: Questions about program conceptualization and design.
 - Program process: Questions about program operations, implementation, and service delivery.
 - Impact: Questions about program outcomes and impact.
 - Efficiency: Questions about program cost and cost-effectiveness.
- 2. Design & Collect Data:** An evaluation design must identify the methods that will be used to answer each of the questions identified.

 - Will it mainly be a qualitative or quantitative design, or mixed methods?
 - How will you develop the right questions? Coming up with questions to ask is an art form, take time to consider what information you are trying to pull from your participants.
 - Will you need to use surveys, questionnaires, snowball sampling, focus groups, or one-on-one interviews?
 - Who will be doing the evaluations?
 - When should you be conducting these?
- 3. Analyze & Interpret:** Now that you have the data, you need to analyze and interpret it. Who will do this? Best practice is to have multiple people working on understanding the data. Some questions to help you think through this are:

 - Will you hire a consultant?
 - If not, who will be your team to analyze that data?
 - Should it include volunteers, staff, and/or other stakeholders?
- 4. Report:** You have conducted the survey, collected and interpreted the data. What's next? Reporting results to your stakeholders, whether positive or negative, is often a missed step and opportunity. Informing your stakeholders indicates that you are willing to be transparent and accountable for the program.

MENTORING EVALUATION

Name: _____ Date: _____

1. Are you the Mentor or Mentee?

Mentor

Mentee

2. Was the orientation helpful in beginning your mentoring relationship? Explain.

3. How many in-person meetings have occurred to date?

4. Does your mentoring relationship support open communication and learning? Explain.

5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.

6. Are you benefiting from this mentoring relationship? Explain.

7. Is there anything else you would like to share?

MENTORING EVALUATION

Name: _____ Date: _____

1. Are you the Mentor or Mentee?

- Mentor
- Mentee

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3. How many in-person meetings have occurred to date?

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5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.

6. Are you benefiting from this mentoring relationship? Explain.

7. Is there anything else you would like to share?

MENTOR EVALUATION

Name: _____ License #: _____ Date: _____

ABOUT YOU

1. How did you find out about the Program?

2. What made you want to sign-up for the Program?

3. How long have you been practicing (in any jurisdiction)?

- 0-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- 21-30 years
- 31+ years, please specify _____

4. Have you participated in another mentorship program as a mentor before?

- Yes
- No

5. How did this experience compare?

- Better
- Same
- Worse

Comments:

ABOUT THE PROGRAM

6. Was the orientation helpful in beginning your mentoring relationship?

- Yes
- No

7. What can this Program do to help to make your match more successful?

8. How would you describe the quality of your experience as a participant in the program?

9. Were the mentor program coordinators accessible, easy to talk to and seek advice from when necessary?

- Yes
- No

MENTOR EVALUATION

ABOUT THE MATCH

10. How would you describe your relationship with your mentee?

11. Did you gain personally from this relationship?

- Yes
- No

12. Did you feel adequately prepared to mentor?

- Yes
- No

13. How did you meet?

- Video Conferencing (Skype etc.)
- In-person
- Email
- Phone
- Other, please specify _____

14. Did you follow the original Mentoring Agreement? If not, please explain why.

- Yes
- No

15. How often did you meet?

- Once a month
- Every two months
- Every two weeks
- When necessary
- Other, please specify _____

16. Are/were there any factors that made it difficult to participate?

- Yes
- No

a. If so what are/were those factors?

b. How did you overcome those factors?

17. Did you plan on maintaining a relationship with your mentee?

- Yes
- No

18. Is there anything else you would like to share?

MENTEE EVALUATION

Name: _____ License #: _____ Date: _____

ABOUT YOU

1. How did you find out about the Program?

2. What made you want to sign-up for the Program?

3. How long have you been practicing (in any jurisdiction)?

- 0-5 years
- 6-10 years
- 11-15 years
- 16-20 years
- 21-30 years
- 31+ years, please specify _____

4. Have you participated in another mentorship program as a mentor before?

- Yes
- No

5. How did this experience compare?

- Better
- Same
- Worse

Comments:

ABOUT THE PROGRAM

6. Was the orientation helpful in beginning your mentoring relationship?

- Yes
- No

7. What can this Program do to help to make your match more successful?

8. How would you describe the quality of your experience as a participant in the program?

9. Were the mentor program coordinators accessible, easy to talk to and seek advice from when necessary?

- Yes
- No

MENTEE EVALUATION

ABOUT THE MATCH

10. How would you describe your relationship with your mentor?

11. Did you gain personally from this relationship?

- Yes
- No

12. Do you feel your mentor was adequately prepared to be one?

- Yes
- No

13. How did you meet?

- Video Conferencing (Skype etc.)
- In-person
- Email
- Phone
- Other, please specify _____

14. Did you follow the original Mentoring Agreement? If not, please explain why.

- Yes
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15. How often did you meet?

- Once a month
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16. Are/were there any factors that made it difficult to participate?

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- No

a. If so what are/were those factors?

b. How did you overcome those factors?

17. Did you plan on maintaining a relationship with your mentor?

- Yes
- No

18. Is there anything else you would like to share?

AM I READY TO BE A MENTOR?

CONSIDER...

- Do I have the actual time to commit to my mentee? How much time?
- Am I willing to share my challenges, as well as my successes?
- What do I hope to gain from this experience? What do I hope to teach?
- What aspect(s) of my career path puts me in a unique position to mentor?

HOW CAN I BE A GOOD MENTOR?

- Come on time to appointments; respond within 48 hours to emails.
- Show personal interest in your mentee.
- Give positive and constructive feedback.
- Create a welcoming & inclusive environment.
- Consider barriers mentee faces in his/her career, and provide advice and support accordingly

HOW CAN I BE A GREAT MENTOR?

- Come early to appointments; respond within 24 hours to emails.
- Read about the mentee's interests prior to your next meeting.
- Ask for feedback on being a mentor.
- Initiate dialogue regarding barriers and facilitators to creating an inclusive and supportive environment.
- Ask the mentee what kind of proactive support he/she needs to overcome barriers.

HOW DO I FIND A MENTEE?

The **WSBA MentorLink** webpage

www.wsba.org/connect-serve/mentorship/be-a-mentor

is a great source of information on how to be matched.

Please contact us at mentorlink@wsba.org or **800-945-9722**.

WASHINGTON STATE
BAR ASSOCIATION

QUICK TIPS

FOR SEEKING MENTORS AND ADVISORS

MAKE A PLAN

Before you start researching or contacting potential mentors and advisors, assess your goals and most critical needs. Ask yourself:

1. What are my three most pressing questions or concerns? For example:
 - *Communicating with clients and opposing counsel?*
 - *Managing a solo practice?*
 - *Understanding court rules & procedures?*
 - *Questions about a specific area of law?*
2. What would be most helpful to discuss with a more experienced attorney vs. doing research to find some answers?
3. What am I going to ask for? For example:
 - *Ongoing email contact?*
 - *Coffee date(s)?*
 - *Skype phone call to bridge the miles?*
 - *One day of shadowing at office or court?*
4. Is my resume and short bio updated and ready to send?

FIND A MENTOR

Once you have a clear idea of your goals, you can take the next step to researching potential mentors based on such criteria such as: geography, practice setting and area of law. In addition to reviewing the [WSBA Legal Directory](#) for updated information, strategies for locating potential mentors and advisors might include:

- Asking around! Someone in your current network might know someone and be able to make an introduction.
- Attending events put on by sections, minority bar associations, local bar associations, specialty bar associations, and/or law school alumni programs.
- Reviewing legal publications for article authors or references to specific individuals in your practice area.
- Attend a [MentorLink Mixer](#).
- Sign up and create a profile on [ALPS Attorney Match](#).

TAKE ACTION

Many potential mentors and advisors are happy to help, and just need to be asked! However, it's important that the mentee take the lead in reaching out and following-up, while being respectful of the mentor's time and schedule. Strategies might include:

- *Sending an initial letter or email:* who you are, what you want, why you're asking them, and how soon you're hoping to meet.
- *During meeting:* be specific on how they can help and find out what works for them.
- Clarify expectations about ongoing contact.
- Send thank you notes and stay in touch!

IMPORTANT GUIDELINES TO REMEMBER

Mentoring sessions may involve only generalized questions that do not involve the disclosure of details from a specific case or client. A mentor-mentee relationship does not create an attorney client relationship, and the discussions are not privileged or confidential. In other words, assume your conversations are completely public.

Consistent with R.P.C. 1.6, the mentee will not identify any client to the mentor or reveal to the mentor any information related to the representation of the client, nor will the mentee seek professional or legal advice from the mentor about specific legal matters or clients such that protected communications are revealed. Subject to the limits of the previous paragraph and pursuant to R.P.C. 1.6 (b)(4), a lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to secure legal advice about the lawyer's compliance with the Rules of Professional Conduct. Discussions, if any, about substantive legal matters between the mentee and mentor will be limited to hypothetical situations.

ADDITIONAL RESOURCES:

- **WSBA Mentorship Resources**
Information on mentoring opportunities that currently exist across our state's legal community, in addition to other mentoring resources to support WSBA members at www.wsba.org/connect-serve/mentorship
- **WSBA Ethics Line 800-945-WSBA, ext. 8284**
Informal guidance as to an attorney's own prospective ethical conduct. Common ethical issues are: conflicts of interest, client communication, handling client money, fee arrangements, confidential information, and how to withdraw from a matter in an ethical manner. For more ethics-related resources visit the WSBA website at www.wsba.org/for-legal-professionals/ethics
- **WSBA Practice Management Assistance Program**
Low-cost and confidential professional assistance with office administration, as well as print and web resources to assist with opening, closing, and managing your practice. For more practice management resources visit the WSBA website at www.wsba.org/resources-and-services/lomap

Questions? mentorlink@wsba.org | 1-800-945-9722



MENTORSHIP CURRICULUM GUIDE

*A Workbook
for Mentors
and Mentees*



Mentorship Curriculum Guide

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Introduction



From casual coffee shop meetings to office discussions over an agreed list of topics, mentoring can happen in a variety of settings, take a variety of forms, and is dependent on the needs of each pairing. WSBA Mentorship programming supports members engaging in helpful and valuable mentoring experiences with innovative mentorship initiatives and by providing mentoring opportunities across the state. As a WSBA member, you can choose the opportunity that is right for you.

This Mentorship Curriculum Guide was created as a supplement to the WSBA Mandatory Continuing Legal Education (MCLE) [Self-Directed Structured Mentoring Program Guide](#) with the goal to enhance mentor-mentee relationships. Each worksheet is designed to enrich conversations around the six categories laid out in the guide. The worksheets are designed around the MCLE guidelines to simplify the process for those who are seeking CLE credit for their mentorship activities. While the worksheets are designed to be a helpful tool for those seeking CLE credit, this curriculum is not required to receive CLE credit.

Optimizing Your Experience



These worksheets follow the six categories laid out in the MCLE Self-Directed Structured Mentoring Program Guide, thus there are worksheets addressing ethics and professional responsibility, improving the legal system, office management, personal development and mental health, professional development, and substantive law topics. To make them more user friendly, each worksheet is structured in the same way. Specifically each worksheet has a:

- Theme or “Big Idea” for the topic.
- Conversation starters to help direct the conversations that a mentor and mentee will have.
- Activities for hands-on learning that allows mentees to better internalize the material.
- Resources to review in preparing for the discussion of the topic or as supplemental material afterward.

List of Worksheets



ETHICS AND PROFESSIONAL RESPONSIBILITY

1. Ethics Traps and How to Avoid Common Pitfalls
2. Quality Control and the Practice/Business of Law
3. Ethics and Civility
4. Race, Culture, and Civility in the Legal Profession

IMPROVING THE LEGAL SYSTEM

1. Access to Justice
2. Introduction to the Courthouse
3. Oral Advocacy
4. Pro Bono Opportunities
5. Niche and Nontraditional Legal Careers
6. Alternative Dispute Resolution
7. Diversity

OFFICE MANAGEMENT

1. Starting Your Law Office
2. Financial Management for the Law Office
3. Screening and Managing Clients
4. Office Technology and Infrastructure

PERSONAL DEVELOPMENT AND MENTAL HEALTH

1. Substance Abuse and Mental Health
2. Work-Life Balance

PROFESSIONAL DEVELOPMENT

1. Civility and Etiquette in Your Practice
2. Goal Setting

SUBSTANTIVE LAW

1. Administrative Law
2. Appellate Law
3. Bankruptcy/Consumer Law
4. Civil Rights Law
5. Elder Law
6. Estate Planning, Probates, Trusts
7. Labor/Employment Law
8. Family Law
9. Health Law
10. Real Estate Law

Some ideas to get started?



Take time to clarify why you are forming a mentor-mentee relationship. You might start by sharing answers to questions like:

- Why did you seek out a mentor?
- Why did you choose to mentor?
- What do you think are the benefits/costs to being part of a mentoring relationship?

Activities you could do to get started:

- Jointly create a purpose statement for your mentoring relationship (i.e. we are entering into this mentoring relationship to...).
- Create a list of what each of you must or must not do to make this mentoring experience a success for both of you.
- Develop an agreed upon minimum viable product (MVP). A minimum viable product is a description of the minimum result you must be getting in order to continue the relationship (i.e. quarterly we will revisit whether we think we are getting what we need out of the relationship and renew our commitment to working together if appropriate).
- Review the [Quick Tips for Seeking Mentors and Advisors](#) one-pager on how to adhere to the Rules of Professional Conduct in establishing a mentorship relationship.

Suggestions for Mentees

IV

Establish goals at the outset for what you wish to achieve from the mentoring process.

- Clearly explain your personal goals to your mentor early in the relationship.
- Help your mentor understand your reasons for these goals.
- Reach an understanding with your mentor as to the goals for the mentoring relationship
 - These goals may differ somewhat from your personal goals, but your personal goals should have preeminence.
 - Mentoring should be focused on your success.
- Keep in mind that your mentor may have a different background or culture than you. Explain any background cultural matters or issues that underlie your goals to the extent that you believe a deeper understanding may be helpful to the relationship.
- Always keep your goals (personal and mentoring relationship) in mind and remind your mentor when you seem to be drifting away from them in your discussions.

Listen carefully to what your mentor is telling you.

- Listening is key to succeeding in the practice of law, so use your mentoring sessions as a means of developing this skill.
- Discuss your learning style with your mentor to facilitate learning, paying particular attention to how you best receive suggestions and feedback. (Reference Section VI of Guide)
- If the mentor's advice or the reasoning behind it is not clear, ask questions until you fully understand the advice.
- Try not to be dismayed or hurt by advice given by your mentor.
 - If your mentor is offering critical advice about personal matters, understand that he or she is taking a chance of losing your trust.
 - Ask yourself why the mentor is offering such advice.
 - Appreciate the chance your mentor has taken to share this advice with you. Remember, you will ultimately decide whether the advice has merit.

Suggestions for Mentees

IV

- If the mentor seems somewhat off base in their advice, take the opportunity to ask yourself what there is about the advice that misses the point and dare to discuss the matter further until you reach some acceptable agreement about the matter at issue.
- Remember that your background and culture may differ from that of your mentor, so take the time to explain yourselves to each other so that more effective understanding may begin.
- If you need to take more time to process a suggestion or comment, let your mentor know you are doing so in order that he or she can come back to the matter later.

Be aggressive about chasing your personal goals.

- Mentoring is all about your future success, so you have the primary obligation to remind your mentor of your personal goals when you believe your mentor's advice has strayed from them.
 - If you feel you have strayed off track, explain your reaction to your mentor as clearly as possible. Be open to considering your mentor's reasons for the direction your discussion has taken.
 - Remember that your mentor may be staying true to your goals by seeing an issue that is not clear to you and may be trying to bring it to your attention.
 - If you feel your mentor has made an assumption about you that is incorrect, discuss the matter as soon as possible to clear up any misconceptions.
 - At times, there is great benefit to be found on brief trips down side roads, especially if the diversion is relevant to the topic at hand, even if it is not within the scope of your goals.
- Since mentoring should be focused on you and your goals, you have the final say whether the mentoring relationship is working for you.
- Trust is at the heart of every successful mentoring relationship, so if it doesn't develop for any reason within a reasonable time, ask to be relieved of the relationship.
- Not every senior practitioner is an effective mentor and if you decide your mentor isn't effective for you ask to be relieved of the relationship.

Suggestions for Mentees

IV

- However, don't give up on any mentoring relationship too soon as trust always takes a great deal of time to develop.
- If you had difficulty with more than one mentoring relationship, ask yourself what caused your past unease and select your next mentor with greater care.

Be open to receiving advice and be eager to implement it.

- Generally, mentors give advice for a reason. If you are not clear why a piece of advice is being given, ask questions until you understand.
- Resistance is sometimes a natural reaction to well-intentioned advice, so remember that your mentor is trying to help you succeed.
- If the mentor persists in his or her advice after you resist, try to have as candid a discussion as possible so that each of you can understand why the other is taking your respective positions.
- If you are resisting a mentor's advice even after understanding his or her reasons for giving it, ask yourself why.
 - If there is merit to the mentor's advice, engage in reflection about the source of your resistance.
 - If you feel the mentor's advice is without merit or is due to a misperception about you, your background, or your culture, explain to your mentor what the misperception is in your opinion.
 - Have a discussion about the misperception until you achieve common ground with your mentor.
- Your mentor wants to see you succeed, so take time at a subsequent session to explain to your mentor what steps you have taken to implement advice given at previous sessions.
 - Ask for suggestions for course corrections if the mentor feels you have not implemented his or her advice in the most effective manner or if you have not achieved the results you thought you would.
 - Share the results achieved by taking your mentor's advice.

Suggestions for Mentees

IV

Remember that your mentor is like a coach.

- Your mentor hasn't joined the relationship in order to perform your work; he or she is in the relationship to teach you skills necessary for you to do your work.
- Usually, your mentor will advise you on a course of action without giving you the final answer to a specific question of law.
- Remember that we generally learn best by doing.
- Sometimes a specific answer to an issue is important, so push back if you believe your mentor is trying too hard to avoid giving that answer, and listen carefully to the reasons your mentor gives if he or she continues to withhold the specific advice.
- At times a mentor should give you specific answers to specific questions, so be assertive if you feel you have reached that point and explain clearly why you believe it ought to be given.
- Discuss with your mentor why he or she has decided to become a mentor. You may gain a great deal of insight into your mentor by better understanding their story and motivation.

Confidentiality is a key ingredient to successful mentoring.

- All personal information exchanged between a mentor and a mentee should be kept confidential under normal conditions.
 - There are always exceptions to any rule, but the exceptions to this one should be quite narrow.
 - A successful mentoring relationship is a matter of trust, and trust requires confidentiality.
- If a mentor shares personal information with you to illustrate a point that he or she is trying to make, do not share this information with any third party without the mentor's prior consent.
- Expect your mentor to treat your personal information in the same manner as the previous bullet point.
- This is such an important issue that the principle of confidentiality should be discussed candidly with your mentor at your first meeting.

Suggestions for Mentees

IV

Candor and honesty are necessary in order for you to benefit the most from a mentoring relationship.

- There are times when you might be embarrassed to admit to a lack of knowledge about a matter under discussion, but your mentor will be unable to assist you effectively without understanding your need.
 - Take a chance and explain your lack of understanding.
 - Help the mentor backtrack to a point where his or her advice becomes meaningful and relevant to your situation.
 - Ask your mentor to assist you with overcoming your lack of knowledge.
 - Ask your mentor to tell you what further efforts you ought to make on your own to overcome any gaps in knowledge.
- If you feel you cannot tell your mentor about sensitive personal information, ask yourself why that might be.
 - If it is due to an excess of caution, work yourself up to taking the chance to share.
 - If it is due to a lack of trust, consider ending the mentoring relationship.
 - Consider what impact withholding this information may have on the mentoring relationship.

Remember to thank your mentor or otherwise show appreciation.

- Mentors are giving their time freely for your personal benefit and they want to know that you are appreciative of the effort they are making.
- Appreciation is best expressed in words, not gifts.
- Most successful mentors are repaying their own mentors in kind, by passing along advice that they once received in a similar relationship.
 - If you understand this to be the case, take the time to ask the mentor about his or her own mentor, as doing so will tell you a great deal about your mentor's motivations for entering a relationship with you.
 - Try to understand the fellowship that this chain of mentoring brings to the legal profession.
- The greatest compliment you can give to your mentor is to mentor a younger practitioner at some future time in your career when you have gained the experience and expertise to become an effective mentor.

Suggestions for Mentors



Mentoring is fundamentally about how you can assist your mentee.

- Tell your mentee that he or she will be the sole subject of your meetings.
- Use anecdotal stories to illustrate advice, not to make yourself look good.
- Spend a few minutes getting caught up on personal matters at the start of each meeting, then remind your mentee that the meeting is all about him or her and get down to business.
- Mentoring is about helping others help themselves.
- Discuss with your mentee your reasons for wanting to mentor.
- Consider these reflections on what it means to mentor:
 - Defining mentoring is difficult. Although in a broad sense it is about education, it is easier to begin with what it isn't. In this firm, it is not training to perform a specific legal skill or function. Nor is it something that you pass off to someone else when you are out of town. Rather, it is what we do when we are in town, the rendering of assistance, advice, knowledge, attention, caring and interest by a senior lawyer to a junior lawyer, with the goal of helping the junior lawyer become better:
 - at the practice of law as a process, not merely as a technical skill or trade,
 - in his or her relationship to the Firm's community,
 - in his or her relationship to the business and legal communities and to the community at large,
 - in his or her efforts to attract and hold business, and,
 - at enjoying the privileges and obligations of being a lawyer and holding those things in balance with the junior lawyer's relationships with families, friends and the world at large.
 - In other words, mentoring should be about helping the young associate take his or her place in the world as a first-class lawyer in all respects.

Suggestions for Mentors



- Mentoring meetings work best when held at regular, scheduled intervals.
- Consider a reoccurring appointment on Outlook (i.e., the third Thursday of each month).
- Treat the meetings as an important business meeting and only reschedule when absolutely necessary.
- Give the mentee the obligation to find a new date for a missed meeting if rescheduling is required.
- Your mentee should be advised about your availability between meetings, especially when they have a matter of substance on which they need immediate advice.
 - The greater your availability, the more benefit you will provide.
 - However, you should not become an agony aunt to simply listen to all of your mentee's problems.
 - Learn to be firm about sending a mentee away when they cross the line in the previous bullet point.
 - Encourage your mentee to contact you whenever they have a specific issue with which they need assistance.

You are a mentor, not a rescuer or a substitute hitter.

- It is not up to you to do the mentee's assigned work for him or her, and, in fact, doing so will not serve the mentee well.
- It is up to you to advise the mentee how to do the work or how to improve their work product.
- Mentoring has the most lasting impact when you can focus on teaching the mentee a new skill or a refinement of an existing skill.
- When reviewing actual work product, it is best to offer general suggestions rather than actual wording, and send the mentee off to do the work.
 - If you have time to review his or her edits, you can be more specific as to wording, structure or topic.

Suggestions for Mentors



- Mentees learn best by doing, not by being told.
- The more times you are able to repeat a review of successive drafts, the more your mentee will benefit from your involvement.
- If the mentee is stumped, offer specific language or refer them to a specific resource on the topic at hand.
- If your mentee wishes to discuss a particular issue, ask your mentee to bring forth their best solution to the issue before giving your own advice.
- If you realize that the mentee is about to fail in a way that is damaging, offer help, but also realize that sometimes measured failure is a path to success.
- A mentee's failure is an opportunity to teach, so don't just focus on future work product but review failures with them as a teacher, not as a judge. Use the opportunity as a teaching moment.
- Your primary job is to enhance your mentee's skills and abilities to guide them in their pursuit to become a better practitioner.

Listen carefully to what your mentee is saying.

- Treat the mentee as you would a client.
 - Listen not only to his or her actual words, but listen to understand the reasons behind them.
 - Sometimes the question being asked is not the root of the problem with which the mentee is trying to deal.
 - As a mentor, you need to answer the actual question as well as offer solutions for the underlying concern you believe prompted the question.

Have empathy for the mentee's situation, culture and concerns.

- When you sense an underlying concern but aren't certain you understand what it is, ask questions and delve deeper until you fully understand.
- If it is a cultural issue, engage in conversation as equals to understand what those differences might be and how they might affect your mentee's approach and thinking.
- Do not judge a mentee because of their cultural concerns; try to understand your mentee's worldview and learn about their culture in order to gain new perspectives.

Suggestions for Mentors



- If cultural issues are involved in your discussions, consider your own biases, whether explicit or implicit.
- Mentoring is best done in the context of an issue. A significant part of that context is the mentee's view of it and its importance.
- The mentee will likely teach you as much as you teach them, so treat your mentee as an equal and as a resource.

As you listen to questions which your mentee is asking but which you find confusing, irrelevant, or off-base, ask yourself what might be driving the question.

- Often, something might be going on in the mentee's life that is causing concern and somehow relates, in their mind, to the question being asked.
- Your mentee may need help with the underlying concern more than they need an answer to the question being asked.
- Respect your mentee's privacy.
- Consider that you are one of the people best placed to confront your mentee about hard personal issues and consider taking the chance to do so when it would be of benefit to the mentee.
- Work to gain your mentee's trust. A high degree of trust is necessary to allow candid discussion of private matters.
- Always keep your mentee's private matters confidential. Make mutual confidentiality one of the touchstones of your relationship.
- You may have an obligation to report your mentee's behavior under applicable ethical rules; this decision is up to you, not your mentee.

Learn to be critical in an effective manner.

- Your job as a mentor is to use mistakes as teaching moments to help your mentee understand what they might or should have done differently.
- Be firm if you learn of behavior that is likely to work prospectively to the mentee's detriment.
- Be stern if you learn of prospective unethical behavior, even to the point of terminating the relationship if your mentee seems unable to avoid the behavior in question.

Suggestions for Mentors



You may not possess the requisite knowledge to assist your mentee with every issue.

- Offer access to other resources when you do not possess the requisite skills to assist in a matter.
 - Other resources may be people, organizations, or written resources.
 - If you refer your mentee to an individual, arrange an introduction in order to assist your mentee.
 - Keeping confidentiality in mind, explain to the resource what you believe the issue to be, but ask them to spend time with the mentee in order to be certain that what you believe is correct.
 - Ask for feedback from the mentee after he or she has met with the resource to assure that they got the answer they needed and to help them implement it if they aren't certain how to do so.

If you are working on improvement in a specific area, consider giving meaningful work assignments to be accomplished by the time of your next regularly scheduled meeting.

- Sometimes incremental improvement is required to achieve a goal, and work assignments will move a mentee along the path to the goal.
- Work assignments should be specific to the issue at hand and to the mentee's level of performance.
- Work assignments work best when they can be integrated into the mentee's work schedule or work habits, as opposed to something which might be considered as homework.
- Make certain the work that you assign, or have assigned, to your mentee will advance his or her knowledge or skills; your mentee needs to stretch to learn.

Mentoring is not training, although they may prove to be congruent at times.

- While training is important, it is not the essence of mentoring.
- Remember that your mentee has other means of access to training. Suggest to your mentee the kinds of training that you feel he or she needs to achieve specific goals.

Adapting Mentoring to Meet Different Learning Styles



Individuals typically fall under one of the following three learning styles ([discover how you learn by taking the Vark Questionnaire](#)):

- **Visual Learners:** preference for observed or seen experiences, including pictures, diagrams, handouts, films, flip-charts, etc. These individuals typically use phrases such as “show me,” or “let’s look at that.” Visual learners perform best with a new task when they can first see someone else conduct the task or exercise you are asking them to perform. These individuals typically work well with lists, visual depictions of the task, and written instructions.
 - Tips for Accommodating Visual Learners
 - Use maps, flow charts, or webs to organize materials
 - Create a timeline
 - Use a storyboard
 - Highlight and color code notes and materials
 - Encourage the mentee to make their own flashcards
 - Write out checklists
 - Draw pictures or cartoons
 - Make use of a chalkboard or white board

- **Auditory Learners:** preference for information to be transferred to them by listening to the spoken word of others, sounds, or noises. These individuals typically use phrases such as “let’s talk about that,” or “tell me.” Auditory learners are happy when they are given verbal instructions. They perform their best when listening to instructions from an expert.
 - Tips for Accommodating Auditory Learners
 - Engage the mentee in a conversation about the subject matter
 - Question the mentee about the materials
 - Ask for oral summaries
 - Tape the lecture for the mentee to replay
 - Read material out loud

Adapting Mentoring to Meet Different Learning Styles

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- **Kinesthetic or Tactile Learners (Hands-on Learners):** preference for the physical experience of touching, feeling, holding, doing, and practical hands-on experiences. These individuals typically use phrases such as “let me try that.” Kinesthetic or Tactile Learners perform their best when they get the opportunity to try the task first hand, learning as they go. These individuals like to experiment, hands-on, and rarely look for instructions first.
 - Tips for Accommodating Kinesthetic or Tactile (Hands-on) Learners
 - Role play
 - Ask the mentee to envision a scene where they need the material, then require them to act it out
 - Use a game
 - Allow the mentee to job shadow
 - Use mock sessions
 - Utilize some form of body movement (pacing, snapping fingers, etc.) while reciting the material learned

Pre-Mentoring Session Reminders

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- Dedicate your undivided attention to the mentoring session
- Keep the mentee's individual learning style in mind
- Adapt your pace to the mentee's needs
- Be empathetic when a mentee struggles with the material
- Seek constant feedback and confirmation from the mentee regarding their understanding of the materials
- Take note of particular areas or topics that will require follow-up
- Provide frank feedback in a constructive manner

Thank You!

Thank you to the volunteer Curriculum Development Team whose talent, time and experience helped shape these worksheets:

Ahseon Park	Elizabeth Lee	Mubarak Abdur Raheem
Ailey Kato	Gloria Ochoa-Bruck	Nancy Elliott
Amie Peters	Harry McCarthy	Natasha Qu
Amy Kim	Joshua Haubensstock	Priya Cloutier
Anessa Novasio	JP Diener	R. July Simpson
Ann Vetter-Hansen	Julie Schaffer	Sara Shapland
Appalenia Udell	Kate Jones	Shontrana Gates-Wertman
Brendon Taga	Katharine Edwards	Steve Ellis
Brittany Dietz	Kathleen Kline	Theodore Hong
Bryce McPartland	Laura Bradley	Tim Jaasko-Fisher
Catherine Hoover	Mara Snyder	Tom Hoolihan
Constance Locklear	Margo Ahn	Videlinata Krishna
Cynthia Sullivan-Brown	Mike Garner	
Diane Dick	Morgan Edrington	

Thank you to WSBA staff who worked on this project as subject matter consultants:

Dana Barnett (Diversity and Inclusion Specialist)	Diana Singleton (Access to Justice Board Manager)	William Chemnick (Education Programs Lead)
Dan Crystal (Program Manager, Member Wellness Program)	Jeanne-Marie Clavere (Professional Responsibility Counsel)	



SELF-DIRECTED STRUCTURED MENTORING PROGRAM GUIDE

Introduction

The MCLE Board approved this *Self-Directed Structured Mentoring Program Guide*¹ to assist and support Mentors and Mentees in developing mentoring relationships that meet the requirements and intent of APR 11, making those who participate eligible to obtain MCLE credit. Mentors and Mentees may earn MCLE credit at the rate of one credit per each 60 minutes of mentoring, provided that the mentoring is done through an Approved Structured Mentoring Program or by using this *Self-Directed Structured Mentoring Program Guide*.

Purpose of Mentoring

Mentoring creates an opportunity for a Mentor to provide professional guidance and share practical knowledge and skills with a Mentee in order to:

1. Foster professionalism, civility and collegiality in the legal community;
2. Bridge the gap for new and transitioning attorneys;
3. Promote inclusion and eliminate bias with respect to the practice of law;
4. Encourage professional development, including insights into the practice of law;
5. Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
6. Support the community through public service.

Program Guidelines

1. Eligibility

The Mentor and Mentee must be active members of the WSBA. In addition, the Mentor must be a member in good standing who has been admitted to the practice of law in Washington for at least five years.

2. Orientation

Orientation is mandatory for all Mentors and Mentees wishing to attain MCLE credit. The orientation itself is not eligible for credit. The orientation should consist of an initial meeting designed to review the documentation that must be completed in order to satisfy the MCLE Board requirements and to ensure that the Mentor and Mentee agree upon and are clear about the mentoring relationship, purpose, and how they expect the

¹ The content of this *Self-Directed Structured Mentoring Program Guide* was modeled on the Mentoring Plan developed by the Illinois Supreme Court Commission on Professionalism, as well as the Washington Leadership Institute Mentoring Plan but has been modified to fit the goals developed by the MCLE Board.

requirements to be met. At the orientation meeting the Mentor and Mentee must sign a *Mentoring Agreement* defining the parameters of the mentoring relationship and create a *Mentoring Plan* which will serve as a guide for all subsequent meetings. Although not required, in-person orientations are strongly encouraged as the orientations serve as a starting point in developing the mentoring relationship.

3. Mentoring Plan

The *Mentoring Plan* defines the learning curriculum to be carried out during the mentoring relationship. The attached approved *Mentoring Plan* template outlines core concepts and skills that the Mentor and Mentee can choose to incorporate when developing their own *Mentoring Plan*.

Within each category the learning subjects may be customized to the particular practice setting, individual needs, and personal development. All categories of the *Mentoring Plan* contain blank lines to allow the Mentor and Mentee to substitute or add other topics of interest from among the APR 11(f) approved subjects. To the extent interests or needs change during the course of the mentoring relationship, additions, deletions or substitutions may be made to the original *Mentoring Plan*.

The *Mentoring Plan* will guide the activities and meetings between the Mentor and Mentee. Although interactions may occur through a variety of means, face-to-face meetings, whether in person or via electronic media, are strongly encouraged.

4. MCLE Credit

At the end of the mutually agreed upon mentoring term, or at any time during the mentoring relationship, the Mentor and Mentee may individually apply for MCLE credit via mywsba.org. Mentoring for MCLE credit is only approved for “other” and “ethics” credits. A copy of the completed *Mentoring Agreement*, *Mentoring Plan* and *Mentoring Evaluation* must be submitted at the time MCLE credit is sought.

5. Mentor and Mentee Checklist

- ✓ Participate in an orientation meeting, which is not eligible for MCLE credit, at which the Mentor and Mentee will:
 - Sign *Mentoring Agreement*, and
 - Develop a personalized *Mentoring Plan*
- ✓ Implement the *Mentoring Plan*
- ✓ Fill out an *Evaluation* about the mentoring experience
- ✓ Apply for MCLE credit via mywsba.org

Available Forms:

1. Mentoring Agreement
2. Mentoring Plan
3. Mentoring Evaluation

MENTORING AGREEMENT

We, _____, Mentor, and _____, Mentee, agree to participate in the Self-Directed Structured Mentoring Program in accordance with the terms of this agreement. We understand the goals of mentoring include:

- Foster professionalism, civility and collegiality in the legal community;
- Bridge the gap for new and transitioning attorneys;
- Promote inclusion and eliminate bias with respect to the practice of law;
- Encourage professional development, including insights into the practice of law;
- Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
- Support the community through public service.

We acknowledge and will abide by the following rules:

- Any communication between Mentor and the Mentee is not intended to be the rendering of legal or professional advice to the Mentee or his or her clients, and the Mentee will not rely upon such communications or cause any client to rely upon them.
- No confidential or attorney-client relationship is formed between Mentor and the Mentee as a result of participation in mentoring. Neither the Mentee nor Mentor will identify any client or reveal any client confidence to the other, nor will either seek professional or legal advice from the other about specific legal matters or clients. Instead all discussions about substantive legal matters between the Mentee and Mentor will be limited to hypothetical situations.
- Mentor is not assuming any liability or responsibility with respect to any legal matter of the Mentee's clients, nor will the Mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the Mentee's clients.
- Mentor will not co-counsel any matter with the Mentee, nor will Mentor make referrals to or accept referrals from the Mentee during the term of their mentoring term.
- The Mentor and Mentee will not be employed by the same employer.

We hereby certify that we have read the above *Mentoring Agreement* and agree to its terms.

Mentor Signature: _____

Date: _____

Mentee Signature: _____

Date: _____

MENTORING PLAN

a) Substantive Law

Elected	Action	Completion Date
	Discuss the following substantive law subjects:	
	Discuss practice skills such as taking depositions, trial techniques, and interviewing clients.	
	Other:	
	Other:	

b) Ethics and Professional Responsibility

Elected	Action	Completion Date
	Discuss practices to maintain client confidentiality.	
	Discuss how to screen for, recognize, and avoid conflicts of interest.	
	Discuss the responsibilities of the client and the attorney in decision-making, and the best ways to involve a client in their case.	
	Discuss preparation and proper behavior during discovery.	
	Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
	Discuss common malpractice and grievance traps in your practice area or setting, and how to recognize and avoid common pitfalls.	
	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
	Discuss appropriate ways to handle situations where an attorney believes another attorney has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where a Mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
	Discuss the grievance process and an attorney's duty to cooperate with a disciplinary investigation.	
	Other:	
	Other:	

c) Professional Development

Elected	Action	Completion Date
	Discuss professional skills including effective lawyering, leadership, career development, communication and presentation skills.	
	Discuss various career paths such as large firm, small firm, government and non-profit practice, corporate counsel, and nontraditional legal positions and identify resources for exploring options.	
	Discuss long term and short-term career objectives and identify ways to achieve them.	
	Other:	
	Other:	

d) Personal Development and Mental Health

Elected	Action	Completion Date
	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience and maximizing career satisfaction.	
	Discuss prominence of substance abuse and mental health issues in the legal profession; review warning signs of substance abuse or mental health problems; what to do if the Mentor, Mentee a colleague, or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
	Other:	
	Other:	

e) Office Management

Elected	Action	Completion Date
	Discuss the following office management matters:	
	Discuss business planning, financial management, and office technology.	
	Discuss practice development and marketing, client relations, employee relations and responsibilities when opening or closing an office.	
	Other:	
	Other:	

f) Improving the Legal System

Elected	Action	Completion Date
	Discuss types of alternative dispute resolution such as mediation, arbitration, early neutral evaluation, summary jury trials, and collaborative representation.	
	Acquaint Mentee with access to justice issues, various Washington legal services organizations, and opportunities to engage in <i>pro bono</i> activities.	
	Develop an awareness of diversity and inclusion issues in the legal profession by reading recent published studies and articles, and discussing them.	
	Other:	
	Other:	

Mentoring Plan Pledge

We, _____, Mentor, and _____, Mentee, agree upon this *Mentoring Plan* of activities elected above. We pledge that we will devote the time and effort necessary to carry out this *Mentoring Plan*.

Mentor Signature _____ (Bar Number) _____ Date

Mentee Signature _____ (Bar Number) _____ Date

MENTORING EVALUATION

Name: _____ Date: _____

1. Are you the Mentor or Mentee?

Mentor

Mentee

2. Was the orientation helpful in beginning your mentoring relationship? Explain.

3. How many in-person meetings have occurred to date?

4. Does your mentoring relationship support open communication and learning? Explain.

5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.

6. Are you benefiting from this mentoring relationship? Explain.

7. Is there anything else you would like to share?

MENTORING EVALUATION

Name: _____ Date: _____

1. Are you the Mentor or Mentee?

Mentor

Mentee

2. Was the orientation helpful in beginning your mentoring relationship? Explain.

3. How many in-person meetings have occurred to date?

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6. Are you benefiting from this mentoring relationship? Explain.

7. Is there anything else you would like to share?
