



**LSBA Mentoring Program**  
**@[www.LSBA.org](http://www.LSBA.org)**

**LSBA Mentor Program**  
**Handbook**

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Special Thanks to the ISBA for their assistance.

## **1. The Mentoring Program**

Welcome to the LSBA's Mentoring Program. The purpose of this program is to provide a resource for LSBA members to seek advice and discuss topics including: (1) practice and law office management related issues; (2) issues involving such matters as personnel, escrow or other accounts; (3) substantive areas of law and related procedural issues; (4) appropriate and professional conduct and how to deal with inappropriate conduct; and (5) the importance and means of being involved in Bar and community activities and in developing a support network for a lawyer's practice.

Lawyers utilizing the Mentoring Program are not establishing a lawyer/client relationship. Rather, the purpose of the mentoring relationship is to provide counseling, guidance and an open atmosphere for learning. Participants should not reveal any client confidences to the mentor but rather seek guidance in general areas. Nor should the mentor relationship be used as an employment recruitment tool or a means to establish "of counsel" relationships. Mentors and mentees shall be bound by the conflict provisions of the Rules of professional conduct and shall promptly withdraw from a mentor/mentee relationship after disclosure of a potential or actual conflict of interest.

The Mentor Program is an internet-based program, housed on the Louisiana State Bar Association web site. It is designed to connect experienced LSBA lawyers with any lawyer member but especially new or young lawyers-who are seeking assistance with substantive law or the personal and professional demands of practicing.

Qualified mentors sign up and may be accessed by practice area or location, with preferred contact information included. LSBA members seeking assistance may go to the Mentor Program area on the web page, select a mentor, and make the contact.

The initial contact by mentees to potential mentors could involve a single issue or they may seek to establish an ongoing, formal mentoring

relationship. Relationship parameters are determined by the preferences of both mentor and mentee.

Some basic information about the program is provided below:

**Q. How do I access the Mentoring Program?**

A. Just visit the LSBA Web site and click on the Mentoring icon.

**Q. Who are the mentors?**

A. Mentors are LSBA members who have volunteered to share their experiences with mentees. All mentors have agreed to program requirements that include: being in good standing with no pending formal charges; professional liability insurance<sup>1</sup>; a one-year commitment to serve; and any other terms of the “Mentor Disclaimer and Release”.

**Q. Are there any special requirements for mentees?**

A. Mentees must be LSBA members and must agree to the terms of the mentoring program as put forth in the “Mentee Disclaimer and Release”, which is available at the Mentor Program area on the web site.

**Q. How do the mentees and mentors make contact?**

A. Mentees can search for potential mentors by area of practice or parish. Mentors will indicate on their profiles whether they prefer to be contacted by phone or e-mail, and mentees are responsible for initiating the contacts.

**Q. What is the duration of the mentor-mentee relationship?**

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<sup>1</sup> See Exhibit A the Mentor Disclaimer and Release. The LSBA may waive insurance requirements for full time governmental employees and In-House Counsel.

A. It is up to each mentor and mentee. This program can be used for a single question, or the parties may choose to have a more formal relationship.

**Q. Is access to the Mentor Program as a mentee restricted to new or young lawyers?**

A. No. All LSBA members who need assistance or consultation from colleagues are welcome to utilize the program.

**Q. How do I access the Web site for the Mentor Program?**

A. Mentees will need their password to access the Mentor Program. If there is difficulty logging on, a member can contact the LSBA for assistance.

**Q. Will there be support for mentors?**

A. Yes. LSBA staff and members of the Committee on the Profession, Practice Assistance and Improvement Committee or Mentoring Subcommittee will provide help and information to mentors. In addition, resources will be available to help mentors answer questions about such topics as trust accounts, law office management, conflicts and other issues.

## **2. The Benefits of a Mentoring Relationship**

Mentoring is a mutual relationship between individuals and benefits both parties. The mentee may receive benefits such as:

- Encouragement and support.
- The opportunity to explore new ideas and alternatives.

- Contacts with new individuals and groups that may assist in career growth.
- Information about the norms within the professional community.
- Stimulus to create and achieve new goals and confidence to try.

The mentor can equally benefit in the relationship. A mentor may receive benefits such as:

- The satisfaction of helping someone grow and succeed.
- An exchange of information and knowledge, which can cause the mentor to re-affirm his/her own standards and philosophy.
- Seeing the results of his/her own knowledge, expertise, and influence.
- Fostering professional pride, such that the community can gain from a successful mentoring relationship.

The benefits of a mentoring program extend beyond just the case of a more experienced lawyer mentoring a newly admitted lawyer. Lawyers who completed their education before technology was commonly used could also greatly benefit from a younger lawyer mentoring them in the use of computers and other technology to improve the efficiency of their practices; allow them to remain competitive; and to serve their clients better. Small firm practitioners, especially those practicing solo, could also benefit from a mentor to aid with practice management assistance or simply someone to help explore ideas on a particular case. Given today's competitive market, lawyers in large firms, in government, or who work as in-house counsel are often unsure whether they should ask questions of their supervising lawyer for fear that it may compromise their future. A mentor could be the answer. Lawyers

with disciplinary grievances due to their inexperience could benefit from a mentor. Malpractice claims could potentially be avoided or reduced because of the assistance a mentor provided to a less experienced lawyer. Lawyers doing pro bono work outside of their practice area could benefit from a mentor with more experience in that area.

Mentoring can help improve relationships among lawyers and promote camaraderie among members of the profession. The public could benefit from improved professional services as a consequence of the guidance of their lawyer's more experienced mentor.

### **3. The Mentoring Relationship**

Mentoring normally develops between individuals as a natural extension of their professional or personal relationship. The goal of this program is to create and enhance that relationship.

#### **Mentor's Role:**

- Work collaboratively with the mentee to develop an action plan.
- Provide support, counseling, network system and knowledge of community resources.
- Periodically evaluate the mentee's progress.

#### **Mentee's Role:**

- Identify barriers to advancement and collaborate with a mentor to develop a plan to overcome the barriers.
- Be willing to candidly discuss issues and openly consider advice.
- Periodically evaluate progress with the mentor.

#### **Guidelines for Mentors**

Listen and try to address mentee's concerns on a level that allows the mentee to participate in a thoughtful discussion.

If mentors find that mentees are unable to focus their questions or concerns, mentors should guide mentees to a topic.

Whenever possible, mentors should exchange ideas with mentees rather than lecturing.

Whenever possible, mentors should share their "war stories" with mentees to help them both feel more comfortable and learn from the mentor's good and bad experiences.

If mentors are unsure about any aspect of their advice, they should consult with their colleagues and LSBA resources about how they might handle the issue.

Mentees have been advised that when they are discussing a particular case, they should pose their questions in the form of "hypothetical fact patterns," not only to avoid disclosing their clients' identities and confidences but also to avoid any potential conflicts of interest. If a client's identity must be disclosed, the mentor shall ascertain that no conflict of interest exists before responding to the questions posed.

Mentors shall not be required to perform any research as a result of inquiry.

Mentors should not accept employment as co-counsel, and mentees should not refer their clients to mentors to handle cases. Mentors are cautioned that they should take appropriate steps to avoid even the appearance of the existence of a lawyer/client relationship with a mentee's clients. Mentors are, however, encouraged to provide mentees with names of other lawyers who could act as co-counsel or to whom cases may be referred. Mentors may wish to modify their conflicts systems to retrieve all matters in which the mentor is adverse to the mentee.

Mentors should remind mentees that any detailed conversation about the specifics of the problem and situation of a client might require the mentee to seek and obtain prior written consent from the client before making such disclosure.

### **Guidelines for Mentees**

Below are some points to keep in mind when working with mentors:

The Mentor Program does not contemplate a mentor rendering professional services to a mentee's clients, and mentees must ultimately exercise their own independent professional judgment on behalf of their clients.

When discussing a particular case, mentees should pose their questions in the form of "hypothetical fact patterns", to avoid disclosing their clients' identities and confidences. If a client's identity must be disclosed, the mentor shall ascertain that no conflict of interest exists before responding to the specific questions posed.

Mentees should not: (a) ask mentors to perform any legal research as a result of inquiry; (b) ask mentors to accept employment as co-counsel; or (c) refer clients to mentors to handle their cases. Mentees are cautioned that they should take appropriate steps to avoid even the appearance of the existence of a lawyer/client relationship between mentor's and the mentee's clients. Mentees may wish to modify their conflicts system to retrieve all matters on which their mentors are adverse to the mentees.

Mentees are reminded that any detailed conversation about the specifics of the problem and situation of a client may require prior written consent from the client before making such disclosure.

Mentees are encouraged to ask questions regarding substantive, practical or ethical issues they may encounter. Mentees should not be afraid to ask even the most basic questions. Remember that mentors probably had similar experiences when they began the practice of law

and that mentors will be more than happy in most instances to answer questions.

#### **4. Basic Mentoring Concepts**

**Teaching-** The mentor should share with the mentee some of the specific skills and knowledge necessary for successful job performance or otherwise assist in the mentee's career development. The method of instruction can be formal or informal, direct or subtle.

**Guiding -** Every profession has its "unwritten rules", and the more experienced mentor should orient the mentee in these.

**Advising -** Teaching and guiding are mentoring behaviors usually initiated by the mentor, while advising often occurs in response to a request by the mentee. The difference between the advice of mentors and the advice of others should be the quality of the advice. The mentor should be imparting wisdom based on a high degree of competence and extensive experience. In a relatively short time span, the mentee may benefit from experience that often has taken a lifetime to accumulate.

**Counseling-** The mentor should provide emotional support in stressful times. The mentor should listen to the mentee's concerns and communicate an empathic understanding of those concerns. In addition, the mentor often helps the mentee clarify career goals and develop plans of action to achieve those goals. If necessary, the mentor can provide the mentee with information about the LSBA Lawyer's Assistance Program.

**Role Modeling-** The mentor serves as a person whom the mentee can emulate. Role modeling usually occurs subtly as an outcome of the relationship rather than by conscious design by either mentor or mentee. The mentor's traits and behaviors become a blueprint that the mentee unconsciously uses to pattern his or her own manner.

**Validating-** The mentor should evaluate, possibly modify, and finally endorse the mentee's goals and aspirations. If a mentor cannot at least accept the possibility of the mentee achieving his or her aspirations, it is doubtful whether the mentor relationship can be maintained.

**Motivating-** Validating involves helping mentees believe in their goals. In motivating, the mentor should provide the encouragement and impetus for the mentee to act toward achievement of those goals. Everyone has a different personality. Some mentors are drill sergeants; others are cheerleaders.

**Communicating -** The mentor should establish open lines of communication through which concerns can be discussed clearly and effectively. Expertise means little if it cannot be communicated.

## **5. Tips for Successful Mentoring**

### **A. For the Mentor**

Do engage in the mentoring relationship prepared to exert energy and, from time to time, to experience frustration.

Don't expect the mentee to adopt your precise style or comport themselves in the very shadow of your image.

Do make yourself available at identifiable times and for briefer, impromptu questions.

Don't frustrate by being unavailable or inaccessible, impatient or amnesiac about how hard the practice of law was for you in the earlier years.

Do work consciously on your listening skills and create an atmosphere in which inquiries can be freely posed.

Don't avoid the harder questions requiring judgment, but do avoid being judgmental.

Don't give up. Even if your efforts don't show tangible or consistent results, remember that mentoring is sometimes a long-term process and an important act in and of itself.

**B. For the Mentee**

Do be mindful of your mentor's schedule.

Don't schedule a mentoring meeting and fail to show up on time.

Do take initiative. Your mentor is likely to be busier than you are.

Don't take offense if your mentor has to cancel a session or is a bit difficult to reach from time to time.

Do express gratitude for your mentor's involvement and energies on your behalf.

Don't overlook how demanding it can be for most lawyers to mentor others.

Do your part to develop the relationship, so that your mentor will trust you and embrace his or her role in your career.

Don't quarrel with the advice your mentor provides. Listen and evaluate the advice with your independent judgment but accept the offer of guidance you sought and need.

**C. Things a Mentor Can Do**

Tell a career story. Share the highs and the lows of your career path.

Spend one visit with the mentee discussing the mentee's needs and aspirations, a second visit with the mentee studying the legal system and a third visit developing action for the next year.

Help establish an action plan for the mentee.

A mentor may want to arrange for the mentee to attend a high-level meeting or other similar activities.

A mentor may want to use his/her personal influence to help the mentee gain exposure to special training.

Ask the mentee to select a book or article on something relating to his/her career field and report on the reading to you.

Help the mentee write short-range and long-range career development plans.

Complete actual projects together. Find ways to work together (e.g. discussing actual case strategy and/or the legal implications of a management decision.)

Talk about what you do:

- General description of your job
- Major tasks, subtasks, specific responsibilities
- How your job fits into the total organization
- How you spend a typical day
- Personal qualities needed for this type of work
- General opportunities for advancement
- The effects of economics on your specific job and on your occupation in general
- Other jobs you could do with your skills
- How you got started in your job
- Other jobs you have held, skills you developed from them and their relationship to your present job
- Skills you had to learn specifically for this job; how you acquired them
- Your recommendations to others for acquiring these skills; suggestions you would give someone applying for a similar job

- What you like most and least about your job
- What you would change if you could
- Interpersonal skills you find most important in your work and why
- Attitudes and values that are important to you and how they are reflected in your work
- Obstacles or barriers you had to overcome to get where you are now

**D. Things a Mentee Can Do**

Identify goals for the mentoring relationship and discuss them with your mentor.

Share successes with your mentor; a case you recently won, or a strategy that worked well.

Do some thinking and planning about career direction and goals. Identify how the mentor can help you meet these goals, and ask specifically for the help.

Interview the mentor about career paths. What were the barriers to overcome, the pitfalls along the way? People learn from failures as well as successes

Be clear about what you want from your mentor at any given time; do you want advice right now, a sympathetic ear, or help with problem solving? Don't be afraid to ask for the specific type of support you want in different situations.

Discuss a legal issue you are exploring.

Discuss the issue of integrating personal/family life with career objectives. Share your own experiences.

**E. Things That Both Can Discuss**

## **Talk About How Your Career Goals Affect Your Personal Life**

- ❑ Family time
- ❑ Leisure time
- ❑ General health/diet/exercise
- ❑ Stress factors: tension, fatigue, burn-out
- ❑ Positive factors: excitement, challenge, opportunity
- ❑ Where your present activities fit into your life

A successful relationship of any kind requires both parties to want it to work. This is especially true in a mentoring situation. By allowing each other the freedom to openly discuss and work on professional issues, without censure, on a regular basis, the mentee and mentor are well on their way to an enjoyable, stimulating and rewarding experience.

## **6. Resources**

- Fastcase (free legal research tool) [lsba.org](http://lsba.org)
- Ethics Advisory Service (prospective conduct)
  - Ethics Opinions
  - Advertising Opinions
  - Published OpinionsFor more information contact Professional Programs Ethic's Counsel  
Richard Lemmler  
1-800-421-5722 or 504-619-0144
- Fee Arbitration Program
  - Voluntary resolution of attorney/client or attorney/ attorney disputesFor more information contact Professional Programs Counsel

William King 1-800-421-5722 or 504-619-6109

- Law Office Management Program
  - Lending Library
  - Online resources
  - Practice Aid GuideFor more information contact Assistant Ethics Counsel Eric Barefield 1-800-421-5722 or 504-619-0122
  
- Practice Assistance Program
  - Providing alternatives to potential discipline
  - Attorney-Client Assistance Program
  - Diversion
  - Trust Account and Ethics SchoolFor more information contact Associate Executive Director of Professional Programs Cheri Grodsky 1-800-421-5722 or 504-619-6107
  
- Lawyer's Assistance Program
  - For more information contact William Leary
  - 1-866-354-9334

### **Law Office Management Assistance Program**

The Law Office Management Assistance Program is designed to assist lawyers increase the quality of legal services they provide to their clients as well as avoid potential disciplinary problems stemming from poor law office management. The goal is to provide resources to attorneys to assist them with their practice. The Louisiana State Bar Association's Law Office Management Assistance Program offers at this time a lending library, online research links, and online materials such as the Practice Aid Guide and various checklists and articles to assist an attorney.

### **LSBA Lawyer Fee Dispute Resolution Program**

The LSBA Lawyer Fee Dispute Resolution Program was created to provide quick, low cost, and confidential solutions to fee disputes between clients and attorneys, or between two or more attorneys, as an alternative to going through the court system.

Although most lawyer-client relationships are concluded without fee disputes, controversies occasionally arise. There are two ways to start the LSBA legal fee dispute resolution process: 1) by Demand for Arbitration or (2) by Submission to Arbitration. Arbitration is a voluntary process in the absence of an existing arbitration clause. If the parties to the fee dispute have agreed in advance to arbitration, the party wishing to start an arbitration proceeding makes a demand that the advance agreement be honored. Usually such advance agreement is in the form of an arbitration clause within the attorney's fee contract, with that clause providing for arbitration under the LSBA rules.

If there is no advance agreement, the parties may agree after the dispute arises to submit their dispute to arbitration. This is called submission. If only one party submits a matter for possible arbitration, the LSBA will contact the opposing party and seek their participation in the arbitration process. Although initial submission is voluntary, once both parties agree to arbitrate, the final arbitration award is binding.

Disputes can be between a client and attorney, or between two or more attorneys. The administrative cost is extremely low:

Disputes between Attorney\Client - \$50 each

Disputes between Attorney\Attorney - \$100 each

In disputes between client and attorney, the arbitrators serve pro bono. Arbitrators do get an hour of professionalism C.L.E. credit for serving. In disputes between attorneys, the volunteer arbitrators can charge a reasonable fee, usually \$75.00 an hour.

Arbitrators are all volunteers, predominantly attorneys, who do alternative dispute resolution work around the state. The parties are given a list of potential arbitrators and are asked to rank the arbitrators according to their acceptability. Based upon the parties' preferences, the LSBA selects the arbitrator. Usually, there will be only one arbitrator. However, in disputes over \$25,000, a three-member panel is chosen. If a dispute of this level is

between a client and an attorney, one member of the three-member panel must be a non-lawyer.

The arbitration itself is a very informal proceeding. Formal rules of evidence are inapplicable and the arbitrator makes rulings of admissibility of evidence based on common sense and fairness. All parties are given the opportunity for a full hearing. Most hearings are completed in less than one day. The proceedings are confidential and not open to the public. Transcripts of the proceedings are not usually made but can be arranged in advance at the expense of the requesting party. All parties have a right for counsel to be present, but it is not required. Discovery is limited and can be obtained by agreement of the parties or according to an order of the Arbitrator. The parties are encouraged to participate in the exchange of pertinent information prior to the hearing.

The goal of the program is quick resolution of the dispute. The decision of the Arbitrator is required within thirty days of the close of the hearing. The decision of the Arbitrator is final and binding. There is a very limited right of appeal under Louisiana Arbitration Law (La. R.S. 9:4201, et seq.). Enforcement of the arbitration award may be accomplished through the legal proceedings provided for in the La. Arbitration Law. The awards are basically treated as final judgments and are enforced the same way judgments are enforced.

Resolving fee disputes through this program allows attorneys to avoid disciplinary complaints and malpractice actions.

### **Ethics Advisory Service**

#### **What is the LSBA's Ethics Advisory Service?**

The LSBA's Ethics Advisory Service (EAS) is a program administered by the Ethics Advisory Service Subcommittee of the LSBA through the Ethics Counsel for the LSBA. The EAS offers quick, informal assistance to eligible LSBA Members for resolving ethics issues that arise in their practices.

#### **Who can use the Ethics Advisory Service?**

Assistance is available only to Members in good standing of the Louisiana State Bar Association.

**What can the Ethics Advisory Service help you with?**

The Ethics Advisory Service can comment on and provide informal advice regarding your own PROSPECTIVE conduct in relation to the Louisiana Rules of Professional Conduct (LRPC)—i.e., what the inquiring Lawyer ethically should or should not do according to the Louisiana Rules of Professional Conduct. The EAS will address only matters pertaining to the conduct of the Lawyer making the request for advice.

**What is the Ethics Advisory Service NOT permitted to do?**

The Ethics Advisory Service is not permitted to comment on the conduct of another Lawyer. In other words, the EAS cannot and will not evaluate or become the catalyst for a contemplated disciplinary complaint against another Lawyer. Complaints regarding suspected lawyer misconduct should be directed to the Office of Disciplinary Counsel of the Louisiana Attorney Disciplinary Board.

The Ethics Advisory Service will not comment on conduct in progress or which has already been completed; nor comment on matters/issues which are themselves the subject of legal dispute or litigation—i.e., if the issue has been decided, is currently pending before or will be decided by a court or other tribunal. The Ethics Advisory Service will not comment on matters/conduct which are already subject to disciplinary action or within the attorney discipline process.

Outside of legal ethics, the Ethics Advisory Service does not provide substantive LEGAL or PROCEDURAL advice nor legal research involving such areas.