

# 1

## I. ETHICS

# Ethics Traps and How to Avoid Common Pitfalls

*It isn't usually bad lawyers who have claims or grievances filed against them. There are plenty of those. More often, it is bad lawyers who are jerks who have claims or grievances filed against them.*

- UNKNOWN

### Themes:

- Avoiding common pitfalls and ethics traps.

### Conversation Starters:

- Think about a time in your life when you had a horrible customer service experience. What caused you to have that experience? What could the person who was helping you have done differently to give you a better experience? Now think of a time in your life when you had an excellent customer service experience. What did that customer service representative do differently that made you feel better about the experience?
- What are the most common complaints that clients have for attorneys in your practice area? Why do clients have these grievances? What can you do in your practice area to improve your client's experience and to make sure that you fully comply with all of the Rules of Professional Conduct?
- How can specific products, resources, and advanced planning strategies help attorneys avoid malpractice and grievances? What resources should attorneys have at their disposal today? In one year? In five years? How much do the resources cost? How should a new attorney with a limited office budget prioritize those resources?
- Why is it important to maintain professional liability insurance?
- What are the implications of professional liability coverage? (Keeping in mind that RPC 1.4(c) which requires communicating with your client if you lack minimum insurance levels as designated in that rule.)

### Activities:

- All practice areas are subject to the Rules of Professional Conduct but different practice areas require different points of emphasis, in order to avoid trouble with clients and trouble with the bar. Review resources and discuss whether there are any specific areas you should focus on to ensure that you meet your ethical obligations.

# 1–Ethics Traps and How to Avoid Common Pitfalls

## I. ETHICS

### Activities (continued):

- Review and Discuss Rules of Professional Conduct which relate to entering into the attorney-client relationship, and managing expectations, especially: 1.1, 1.2, 1.3, 1.4, 1.5, 1.7, 1.8, 1.14, 1.15A, 1.15B, 1.16 and 1.18. What procedures do you use at your firm before entering into an attorney-client relationship? How do you manage expectations at that stage of the process?
- Are there any ethical rules that you have discussed today that you would like more information about? What steps can you take to ensure you are fully complying with the Rules of Professional Conduct? Consider using the WSBA's Advisory Opinions as a resource. Can you find an opinion that addresses one of the issues you have discussed today? If so, what guidance does the opinion provide about how you can handle that type of ethical issue?

### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Washington Discipline System 2022 Annual Report](#)
- [WSBA: Ethics Line 206-727-8284](#)
- [WSBA: Endorsed Professional Liability Insurance](#)
- [WSBA: Professional Liability Insurance Policies](#)
- [Washington State Court Rules: Rules of Professional Conduct](#)
- [WSBA: Advisory Opinions](#)

*Do what you know is right, and you will be fine.*

- SPOKANE LAWYER

# 2

## Quality Control and the Practice/Business of Law

### I. ETHICS

#### Themes:

- Reflecting on the business development side of the practice of law, how to vet:
  - Cases particular to the practice area;
  - The kind of clients that those cases typically draw; and
  - How to work with or stop working with the client.

#### Activities:

##### CASE EVALUATION:

*Every person has the right to representation ... that does not mean they have the right to be represented by YOU.*

- SPOKANE ATTORNEY

- Identify the different kinds of cases that are likely to cross the mentee's desk, given the practice area, for which the mentee has sought the mentor's assistance. What cases does the mentee believe they would like to handle? Are there other opportunities for business in this practice area that the mentee has overlooked or not yet explored?
- Discuss what a good initial consultation should look like, what kind of follow-up should be had and how having a strong discussion and developing a good understanding of the case, in this practice area, early can facilitate a smooth exchange for the balance of the relationship.
- Exchange or draft case evaluation forms or checklists particular to the practice area.
- Review and discuss rules relating to case evaluation. Should the matter be brought at all (RPC 3.1)? Is the subject matter one that the mentee is equipped or can become equipped (RPC 1.1) to handle? What is the scope of representation intended to be (RPC 1.2)? Are the attorney and client on the same page, regarding the scope of representation (RPC 1.3, 1.4)? Discuss with the mentee how to have these conversations with the client.

## 2–Quality Control and the Practice/Business of Law

### I. ETHICS

#### **Activities (continued):**

What are the client's expectations? What is a reasonable outcome based on the information obtained during the consultation? What are the ranges of available outcomes given the situation that has been described? Does accepting this client's case impact management of other cases (i.e. when to say, 'no.')?

- What should a fee/retainer agreement look like (RPC 1.5, RPC 1.15A)?
- How do you screen a potential client for conflicts in your office? Why do you always do a conflicts check before agreeing to take on new cases (RPC 1.6, 1.7, 1.8, and 1.9)? What if you find a potential conflict? What should you do with that information?
- Discuss red flags that are raised during a consultation. How should mentee hold a conversation with a prospective client who is not going to become a client (RPC 1.7, 1.8, 1.9, 1.18) and what follow-up should take place, whether internally or with the prospective client?

#### **DIFFICULT CLIENTS & CLIENT COMMUNICATION:**

- What steps should you take to provide each of your clients with reasonable expectations for each of your cases?
- How can you create boundaries for your clients so that they know the type of work you can do for them and when you will be available to help them and answer their questions? One way to set boundaries is to determine forms of communication that clients should use to contact you. How can your client contact you? Is it appropriate for a client to contact an attorney by text on their personal cellphone? How about on Facebook or on any other social networking platform? Why or why not?
- What type of social networking communication policy have you adopted for yourself, your employees, and for your clients? Why have you adopted those policies? What specific guidance do you provide your clients about what they should post online?
- Discuss the importance of returning phone calls and responding to inquiries (i.e. the attorney's requirement to be diligent (RPC 1.3) and communicate information (RPC 1.4) to the client.)

Identify resources for the mentee to review regarding practice/business of law specific issues that can arise. What is unique about the "culture of practice" in your specific legal area (i.e. if you practice family law does that have a different "culture of practice" than tax law?)?

## 2–Quality Control and the Practice/Business of Law

### I. ETHICS

#### **Activities (continued):**

- Discuss and identify non-legal resources for the mentee to review that may assist them in their interaction with clients.
- Discuss with the mentee what should happen when things go sideways with a client? At what point is the relationship unsalvageable (RPC 1.16, 1.7, and 1.9)? Once the client is a former client, what must the attorney do (RPC 1.6 and 1.9)?

#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Yale Law School Legal Scholarship Repository: Conflict and Trust between Attorney and Client](#)

People are usually coming to us to solve a problem that they have and either cannot or do not know how to fix for themselves.

Every person who crosses our doorway—whether we take their case or not—is a walking, talking billboard who will either facilitate the development of our practice, or tell everyone what a terrible office we are and what an awful practice you have.

Our treatment of these people with their problems dictates how they feel about their cases and what they say about us.

# 3

## Ethics and Civility

### I. ETHICS

#### **Themes:**

- Acting ethically, professionally, and civilly in every aspect of our jobs.
- Creating strategies for promoting professionalism and civility in the legal community.

#### **Conversation Starters:**

- What is the distinction between acting ethically, civilly, and professionally?
- How do the Rules of Professional Conduct require you to interact with clients, other attorneys, third parties, and the court?
- How do you know if your behavior is “civil”?
- How should you respond to a client who wants a “bulldog” lawyer?
- Can you be a “conscientious and ardent” lawyer and remain civil toward your adversary and others?
  - In 2006, the Washington Supreme Court removed the phrase “zealous” advocacy from Washington’s Rules of Professional Conduct and replaced it with “conscientious and ardent” advocacy. Why do you think the Court made that change?
- Are there tangible benefits resulting from civil conduct?

#### **Activities:**

- Think about a time when you witnessed an attorney behave “uncivilly.”
- Did the attorney violate the Rules of Professional Conduct?
- What happened? Did anything trigger the behavior?
- How did you respond to the situation? Do you think you could have responded better?
- Have there been times in your career when it took extra effort to act professionally or civilly? What made it difficult? How can you maintain a professional and civil demeanor in difficult situations?

## 3–Ethics and Civility

### I. ETHICS

#### **Activities (continued):**

- Lawyers are more likely to act civilly and professionally when they recognize the positive aspects of their careers. Consider developing a “Practice of Gratitude” for a few weeks. One way to develop a Practice of Gratitude is to spend a few minutes each day reflecting on one thing that you enjoy being able to do because you are an attorney.

#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Christine Porath, Alexandra Gerbasi, and Sebastian L. Schorch, The Effects of Civility on Advice, Leadership, and Performance, 100\(5\) J. of App. Psych. 1527 \(Sept. 2015\).](#)
- [WSBA Creed of Professionalism](#)
- [ABA: Law Day](#)
- [Barrie Althoff—Ethics and the effects of Incivility, WSBA Bar News, 1999.](#)

# 1

## Access to Justice

### II. IMPROVING THE LEGAL SYSTEM

The Access to Justice Board was established by the Washington Supreme Court at the request of the Washington State Bar Association and is charged with planning for the statewide delivery of civil legal aid services.

#### **Themes:**

- Understanding how the civil legal aid system works in Washington, how you can get involved and where you can make referrals for low-income clients you are not able to represent.
- Understanding the barriers low income people face in accessing the justice system, what policy work is being done to address those barriers and how you can get involved.
- Understanding how the public criminal defense system works in Washington.
- Understanding the systemic problems in the criminal legal system, what policy work is being done to address them and how you can get involved.

#### **Conversation Starters:**

- Have you had any potential clients contact you with urgent legal needs but they don't have any resources to pay you? Have you known where you could refer them?
- In your work, do you see systemic problems that seem to impact a particular population (e.g., low-income, communities of color, immigrant communities) and you wonder what can be done about these problems and how you can help?

#### **Activities:**

- Review state plan introduction materials with schematic explaining the relationship between the Alliance Partners.
- Attend an Access to Justice Board Meeting and/or committee meetings.
- Attend a Civil Legal Needs Study CLE (this is something that the Equal Justice Coalition can do for groups).
- Volunteer with a civil legal aid organization (can provide more detail in the pro bono document).
- Attend an Access to Justice Board meeting.



# 1-Access to Justice

## II. IMPROVING THE LEGAL SYSTEM

### **Activities (continued):**

- What are some issues that were addressed that you can follow-up on?
- Attend a Council on Public Defense meeting.
- Join efforts to lobby for state civil legal aid funding.

### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- WSBA: Washington State Access to Justice Board
  - Communications Committee: Charged with assisting the ATJ Board in:
    - Communicating the Board's work.
    - Facilitating Alliance for Equal Justice communications.
    - Communicating with the public.
  - Delivery System Committee:
    - Monitor client needs and promote best practices.
    - Address new service delivery challenges.
    - Provide ongoing support for regional planning.
    - Coordinate with stakeholders to ensure that delivery initiatives do not duplicate current services.
    - Monitor and Assess the impact of policy changes.
    - Develop the state plan.
  - Equal Justice Coalition: A non-partisan broad-based organization working to educate policy makers and the public about the importance of civil legal aid.

# 1–Access to Justice

## II. IMPROVING THE LEGAL SYSTEM

### Resources (continued):

- Justice Without Barriers Committee:
  - Advocate for a fully inclusive justice system.
  - Identify impediments and work to remove or reduce the effect of them.
- Leadership Development Committee:
  - Oversee the Equal Justice Community Leadership Development Academy.
  - Create and develop a statewide leadership development plan.
- Pro Bono Council: Responsible for supporting and advocating for volunteer legal programs in Washington State.
- Rules Committee:
  - Develop a procedure for reviewing rule proposals.
  - Review rule proposals and make recommendations to the ATJ Board about supporting or commenting on specific rule changes.
- Technology Committee:
  - Promotes efficiency in technology needs assessment, development and implementation.
  - Promotes the application of technology to enhance individual access to the justice system.
  - Oversee implementation of the Access to Justice Technology Principles.
- [Alliance for Equal Justice Providers](#)
- [Civil Legal Needs Study](#)

# 2

## Introduction to the Courthouse

### II. IMPROVING THE LEGAL SYSTEM

#### Themes:

- Familiarizing yourself with the court personnel practices, policies, and procedures in a courthouse where you intend to practice.

#### Conversation Starters:

- Where can an attorney find the local rules for a specific courtroom? What policies and procedures are distinctive to that jurisdiction, court, or judge? Are there any unique filing procedures for that court?
- How should attorneys dress in a courtroom? What advice should you give your client and your witnesses about what to wear to court? What can you do if you know that your client or witness does not have access to “courtroom-appropriate attire?”
- How should attorneys address a judge in court, at formal functions and events, in social settings, at a bar association taskforce, or at the grocery store?
- When should attorneys ask for a side bar? What should an attorney consider before deciding to speak on or off the record?
- What forms of technology and resources are available to attorneys in court and what should attorneys do to make sure that they have all the resources they need prior to their appearance (consider physical resources such as an ELMO device and other resources such as language translation personnel). How should an attorney coordinate with court personnel to ensure that they have all the resources they need for their hearing?
  - Discuss contacting the bailiff to learn more about the courtroom layout and practices.
  - Discuss contacting the clerk to learn more about how to handle exhibits.
- If you practice criminal law: What are the procedures for jailhouse visits?
- What else can an attorney do to familiarize themselves with courtroom-specific policies and procedures?

## 2-Introduction to the Courthouse

### II. IMPROVING THE LEGAL SYSTEM

#### Activities:

- Review and discuss the “Professionalism in the Courtroom: Do’s and Don’ts”.
  - In your opinion, what are the most important guidelines to emphasize?
  - What other do’s and don’ts could be added to this list?
- What additional challenges may come up in cases where you need a language interpreter?
  - How might you adjust your in-court client or witness communication strategies when you are using a foreign language interpreter?
  - Read GR 11.2 Code of Conduct for Court Interpreters. 2 Wash. Prac. Rules Practice GR 11.2 (7th ed.) and discuss some of the other potential challenges that attorneys should consider before using an interpreter.
- Tour a local courthouse and introduce the new lawyer to judges, magistrates or commissioners, staff attorneys, bailiffs, court clerks, and other court staff. Explain the roles of each in running the court.
  - Ask the judges to whom you introduce the new lawyer to share any pointers they have for handling a case in front of them.
- Mentor should explain the best way to set up a meeting with a judge.
  - When might an attorney want to meet with a judge?
  - Who should the attorney contact to set up the meeting?
  - If needed, what should the attorney discuss with opposing counsel about the meeting?
  - Discuss examples of ex parte contact and how to avoid it.
- Show the new lawyer where the clerk’s office is located.
  - Explaining where to go to:
    - File pleadings.
    - Obtain certified copies of case documents.
    - Get journal entries.
    - Search the docket, etc.


## 2-Introduction to the Courthouse

### II. IMPROVING THE LEGAL SYSTEM

#### Activities (continued):

- Ask the clerk to provide to the new lawyer their perspective on filing protocols such as cover sheets, number of copies, walking copies through to the judge, etc.
- If the court uses electronic filing, discuss this process.
- Ask a bailiff and/or court clerk to share with the new lawyer protocols such as whether lawyers are required to check in before a hearing, whether simple or uncontested matters are called ahead of the regular docket, how a lawyer should handle a situation where they are covering two cases scheduled at the same time, whether courtesy copies are expected and when, whether draft orders should be proposed with courtesy copies, how far in advance to an appearance do judges receive the files, etc.

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
-  [WSBA: "Professionalism in the Courtroom: Do's and Don'ts"](#)
- [Washington State Courts: GR 11.2](#)
- [Playing Nice: The Do's and Dont's of Courtroom Etiquette](#)

# 3

## Oral Advocacy

### II. IMPROVING THE LEGAL SYSTEM

#### **Themes:**

- Developing strategies and techniques for effective oral argument.

#### **Conversation Starters:**

- How do you or members of your firm/organization prepare for oral argument? Examples may include:
  - Prioritizing the issues you want to raise during argument;
  - Outlining the most important facts or law in your case;
  - Being honest and responsive when asked questions;
  - Re-focusing on an issue you were addressing before being asked a question;
  - Having a conversation with the court, as opposed to reading from a script;
  - Managing your time.

#### **Activities:**

- Observe together arguments made in the local county or municipal courts and/or appellate courts.
- Observe the different styles of argument and discuss what was effective and ineffective.

#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- Review the suggestions and tips provided in the following articles:
  - Hon. Danny J. Boggs, Appellate Advocacy from a Judge's Perspective, ABA Young Lawyer Division e-Library.

# 4

## II. IMPROVING THE LEGAL SYSTEM

# Pro Bono Opportunities

### Themes:

- Enhancing the legal profession and local communities.
- Finding the right volunteering opportunities with one or more of the statewide or local programs available.
- Managing a busy practice while fitting in pro bono work.
- Understanding the need for pro bono and why your engagement matters.

### Conversation Starters:

- What are the Washington Rules of Professional Conduct stated in (RPC) 6.1: Pro Bono Publico Service?
- What is the importance of professional development and enhancement of the bar association, as well as the responsibility of every attorney to assist and serve the public?
- What are the available opportunities to volunteer at a Qualified Legal Services Provider (QLSP)?
- What is the Moderate Means Program, and how can you get involved in serving low-income individuals or families who do not qualify for free legal assistance by offering legal assistance at a reduced fee?
- How do you do pro bono work when you're a new lawyer and focusing on an area of law where there do not seem to be pro bono needs?
- How do I fit in doing pro bono when I'm feeling overwhelmed with getting my practice started?
- There are so many legal aid organizations I could volunteer with, it's overwhelming. What's the difference between them?


## 4-Pro Bono Opportunities

### II. IMPROVING THE LEGAL SYSTEM

#### Activities:

- Come up with a list of professional skills you would like to develop in your practice. Research some QLSP's that might help provide you with opportunities to develop those skills through pro bono work.
  - What pro bono work could you get involved in, considering your other responsibilities?
- Peruse the Volunteer Opportunity [website](#), choosing your area of practice you're interested in and come back with some ideas of possible organizations you want to contact.
- Write out a list of legal and leadership skills you'd like to build or hone and then identify which pro bono opportunities can help you do that.
- Identify a community or population of people you feel passionate about helping and look for pro bono opportunities that work with them.

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [RPC 6.1, Pro Bono Publico Service](#)
- [QLSP web link](#)
- For general information and to access resources about volunteer opportunities,  to the WSBA webpage titled "[Volunteer Opportunities](#)".
  - Information about the different programs are categorized by the location of the county in which the services are being offered, in addition to multi-county programs, including contact information.



# 5

## Niche and Nontraditional Legal Careers

### II. IMPROVING THE LEGAL SYSTEM

#### Themes:

- Considering niche practices and nontraditional legal career paths.

#### Conversation Starters:

- Attorneys have a variety of practice areas that they can practice. Why did you choose the practice you chose and what steps can you take to find out if another practice area might be a better match for you?
- What are some emerging niche practice areas in the legal community? What are some steps you can take to learn more about those practice areas and whether one might be a good match for you?
- What are some nontraditional careers that might be a good fit for an applicant with a legal education and/or prior experience as an attorney? Who could you connect with to learn more about those opportunities?
- What are some potential advantages and disadvantages of taking a nontraditional legal career path?
- If an attorney wanted to test out a nontraditional legal career and later decided to be an attorney again, what steps can the attorney take to refresh their skills before returning to practice?

#### Activities:

- Conduct a career audit by answering the following questions:
  - Reflect on your motives/values:
    - What do you like/love to do?
    - What is important to you?
    - What do you need in your next job?
  - Identify skills and special knowledge:
    - What can you do?
    - What do you know?
    - Can you provide an example?
    - What are you already doing to help people?
    - For what type of advice do people come to you?
    - What do people compliment you on?
- Discuss your career audit with your mentor along with future career goals and different paths you could take, which could help you meet your goals.

## 5–Niche and Nontraditional Legal Careers

### II. IMPROVING THE LEGAL SYSTEM

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Lawcrossing.com: 60 Nontraditional Jobs You Can Do with a Law Degree \(and Should Strongly !\[\]\(31b03e46ee8a80a1f1467b8c03bd76e8\_img.jpg\) Consider Doing\)](#)
- [ABA: Alternative and Non-Legal Career Paths for Lawyers](#)
- [JD Careers Out There](#)
- [Georgetown Law – Alternative Careers](#)
- [Abovethelaw.com: The Third Step in Leaving Law Behind – Do What You Are Good At](#)
- [NW Sidebar: Trailblazing: How to Start a Niche Practice](#)

#### Books:

- Nonlegal Careers for Lawyers (Gary A. Munneke, William D. Henslee, Ellen S. Wayne)
- Beyond the Big Firm: Profiles of Lawyers Who Want Something More (Alan B. Morrison)
- The Official Guide to Legal Specialties (National Association of Law Placement)
- What Can you Do with a Law Degree?: A Lawyer's Guide to Career Alternatives Inside, Outside & Around the Law (Deborah Arron)
- The (Un)Happy Lawyer: A Roadmap to Finding Meaningful Work Outside the Law (Monica Parker)



# Diversity

## II. IMPROVING THE LEGAL SYSTEM

### Themes:

- Thinking of this sheet as a launching point for conversations about diversity and ways to **be** create an environment where diversity can grow and thrive.

### Conversation Starters:

- What does diversity in the legal profession look like?
- What are the barriers for underrepresented groups?
  - What is the impact for you?
  - What can you do to overcome these barriers?
  - What can I do as your mentor to support you in removing or overcoming those barriers?
- Why does this issue matter within the legal community?
- How can the profession be made more equitable and inclusive?

### Activities:

- Attend a meeting of a minority bar association or other minority community organization in your community, consider joining as a member. Discuss the following questions with your mentor:
  - What was discussed at the meeting?
  - What did you learn from the meeting?
  - How could you apply what you've learned to your practice?
- Look at the WSBA Diversity Plan.

### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [WSBA Diversity and Inclusion Plan](#)
- [Video](#), Disability Law Center

## II. IMPROVING THE LEGAL SYSTEM

### Resources (continued):

- Disability Resources
  - [Disability Rights Washington](#)
  - [Job Accommodation Network](#)  
“Accommodation Information by Disability: A to Z”
  - [Disability Rights Legal Center](#)
  - [National Alliance on Mental Illness Washington](#)
  - [Northwest ADA Center](#)
- BIPOC Resources
  - [Simmons, Lee, Why are Law Firms Failing on Diversity? Stanford Business](#)
  - [NW Sidebar: Cultural Competency is Good Business for Lawyers and the Profession](#)
- Caretaker Resources
  - [Elizabeth Poh, The Mommy Track: New Variations on the Balancing Act for Attorney Mothers p. 37](#)
- Diversity and Inclusion Resources
  - [ABA Implicit Bias Videos and Toolkit](#)
  - [ABA Diversity Resources](#)
  - [Northwest Justice Project](#)
  - [Christine W. Young and John T. Hendricks, Out and About: The LGBT Experience in the Legal Profession](#)

# 7

## Race, Culture, and Civility in the Legal Profession

### II. IMPROVING THE LEGAL SYSTEM

#### Themes:

- Generating a conversation about race, culture, and civility in the legal profession.
- Recognizing implicit bias in the legal profession.

#### Conversation Starters:

- What is implicit bias and how might it impact your cases or career?
- How do you keep from making assumptions about clients, opposing parties, or opposing counsel?
- What actions might you take to promote access to justice for all?
- How do you know if you are unfairly biased?

#### Activities:

- Take one or more of the Implicit Assumptions Test. What was it like to take the test? What action, if any, might you take given the results?
- Think of a time when you did not feel heard, seen, or respected. Share that story with your mentor/mentee. What was it like? What did you wish would have happened instead? How might those answers impact how you practice law?

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Implicit Assumptions Test](#)
- [ABA, Hidden Injustice: Bias on the Bench](#)
- [Leticia Nieto and Margaret F. Boyer, Understanding Oppression: Strategies in Addressing Power and Oppression, Colors NW, March 2007](#)
- [Jerry Kang et al., Implicit Bias in the Courtroom, 59 UCLA L. REV. 1124 \(2012\)](#)

# 1

## Starting Your Law Office

### III. LAW OFFICE PRACTICE

#### Themes:

- Review the business side and protocols, policies, procedures that you need to start and maintain a law office.
  - Keeping in mind these are key points; this is not an exhaustive list.

#### Conversation Starters:

- Business Plan - Do you have a written version of your ideal business plan with your firm mission and vision? Business plan prompts are available at [www.wsba.org/guides](http://www.wsba.org/guides). Discuss the following with the expectation that they will grow as your practice grows:
  - Target demographic, expected earnings, marketing strategies, expected costs (startup costs).
  - What type of business structure your firm will need (LLC, PS, C Corp, etc.)\*.
- Insurance Types - What are the various types of insurances; malpractice and general liability (renting/leasing office space); cyber-liability insurance?
- Policies and Procedures – What written policies and procedures to you have?
  - Active Case File List, Client Communications, Calendaring Systems, Conflicts of Interest Checks System, Confidentiality, Checklists and Systems, Accounting, Personnel, Technology, Document Retention, Succession Planning.

\* Choosing a business entity structure can have significant statutory and professional responsibility implications. If you are unsure of the business structure you need, it is recommended that you consult with a business entity lawyer.


# 1-Starting Your Law Office

## III. LAW OFFICE PRACTICE


### Conversation Starters (continued):

- Templates/Forms - Do you have forms or know of filed cases which might have pleadings I can use as a resource? Do you have examples of the most commonly used templates/forms?

#### Pleadings

- Motions and Orders
- Discovery (including party and non-party subpoenas,  subpoenas duces tecum, interrogatories, notice of intent to subpoena protected records
- notice of deposition, etc.)
- Notice of Intent to Withdraw

#### Client Management

- Engagement/Disengagement Letters
- Fee Agreements
- Client Intake Forms
- Billing Correspondence
- IOLTA Ledger
- Conclusion Letters and Documents (for withdrawal and return of funds, closing letter to client, file closing checklist, client  rization of file transfer form, etc.)
- \*All of these practice management forms are available at [www.wsba.org/guides](http://www.wsba.org/guides).

#### Firm Administration

- Procedural Checklists (for ensuring that procedural steps are taken in a timely fashion for service, discovery deadlines, etc.)
- Letterhead Templates

# 1-Starting Your Law Office

## III. LAW OFFICE PRACTICE

### Conversation Starters (continued):

- Marketing:
  - Do you have a marketing plan for your firm and does it include social media?
  - What techniques do you find most effective?
  - What is included on your website?
  - How are marketing efforts tracked and analyzed?
  - Are there any ethical considerations I should be aware of?

### Activities:

- Have the mentee create a realistic budget – include fixed monthly/annual costs (office lease, insurance, parking, bar dues), ~~have~~ a list of fluctuating costs, with highs and lows (CLEs, travel, marketing, office supplies), ~~list~~ of assets with one-time purchase price (hardware/software). A starter budget is available at [www.wsba.org/guides](http://www.wsba.org/guides).
  - Assess what your minimum hourly rate needs to be to maintain and grow your firm.
  - Plan ahead for employees, specifically awareness of tax reporting requirements, L&I requirements, and in-house policies for hiring, firing, discrimination, social media, and maintaining confidentiality.
- Take the new lawyer on a tour of the mentor's office, explaining how client files in mentor's office are managed and discussing the best practices for the following related issues:

#### Case and Matter Management

- Conflict Management
- Client Intake and Developing a Case Plan
- Documenting Case Progress and Deadlines
- File Organization
- Closing Matters

#### Client Relationship Management

- Correspondence Templates
- Client Education
- Crafting Detailed Time Entries
- Client Retainer and/or Payments Schedules



## 1–Starting Your Law Office

### III. LAW OFFICE PRACTICE

#### **Activities: (continued):**

##### **Firm Administration**

- Recording Client-Related Expenses
- Billing and Software Systems
- Payroll and Tax Accounting
- Trust Accounting
- File Retention and Inventory Review

#### **Resources:**

- Discuss what additional resources the mentor/mentee has found useful in their own practice.
- Discuss any technology the mentor/mentee has found useful in practicing law or managing a business practice.
- ABA Law Practice Division, ABA GPS Solo Magazine
- Washington State Bar Association
  - [Practice Management Assistance](#)
  - [NWSide Bar Blog](#)
  - [Going Solo CLE](#)
  - [Law Firm Practice Guides](#)
- Local bar associations may have additional resources.

# 2

## Financial Management for the Law Office

### III. LAW OFFICE PRACTICE

#### Theme:

- Your law practice is a business and needs sound management of the financial matters it generates. This can be broken down into three parts: Accounting, Timekeeping, and Billing.

#### Conversation Starters:

- Accounting
  - What are the main components of your accounting system?
  - How many bank accounts does your law firm have and what do you use them for? What are the benefits of having an operating account (or business account) and a lawyer trust account (IOLTA) at different financial institutions?
  - How do you manage your business operating accounts?
  - What are your procedures to manage your Lawyer Trust Account (IOLTA)?
  - Do you personally manage your business accounts or do you use a bookkeeper?
  - What are the benefits of outsourcing bookkeeping? How do you supervise an outside bookkeeper?
  - What software do you use to manage your accounts?
- Timekeeping
  - How do you track your time for matters with flat fee or contingent billing models?
  - How did you determine your fee structure?
  - What best practices or systems do you use to capture your time spent on cases?
  - What software programs or applications do you use?

## 2–Financial Management for the Law Office

### III. LAW OFFICE PRACTICE

#### Conversation Starters (continued):

- Billing
  - What is your approach to the various types of billable models? (Hourly, contingency, flat fee?) Can you describe situations in which it is best to use flat fee vs. hourly billing?
  - How do you determine when to ask for an advance fee deposit, and how do you ask for enough? When do you ask a client to replenish funds when a big case event approaches (e.g., trial)?
  - What best practices have you adopted for billing clients?
  - How often do you bill clients?
  - What information do you include in the client invoice?
  - Do you have any specific policies, procedures or controls around billing clients?
  - How do you handle disputes when billing or collecting on unpaid balances? Who handles fee disputes in your office and why?

#### Activities:

- Read and discuss the [Managing Client Trust Accounts booklet](#) created by the WSBA Auditors for more information.
- Attend a Continuing Legal Education seminar on Time and Billing. You can browse the WSBA CLE store for products created by WSBA.

#### Resources:

- Discuss what additional resources the mentor/mentee has found useful in their own practice.
- Washington State Bar Association
  - [Practice Management Assistance](#)
  - [NWSide Bar Blog: Forming Your Own Firm](#)
  - [Law Firm Guides and Templates](#)

# 3

## Screening and Managing Clients

### III. LAW OFFICE PRACTICE

#### Themes:

- Understanding the importance of case and client screening procedures.
  - Case acceptance guidelines and good client screening procedures are the first steps in building a quality practice.

#### Conversation Starters:

- What are some red flags that should be identified in potential clients? (number of previous attorneys, erratic speech/behavior)?
  - How would you treat red flags that are identified? Is the potential client disqualified, or does the case need special handling from the attorney?
    - Part of identifying challenging clients is both budgeting for the time commitment, as well as providing the client a realistic expectation of how far their advance fee deposit will go.
- How do you manage client expectations?
  - How do you set the tone starting with attorney-client agreement, written policies that you provide to the client, and the initial interview?
    - Written policies may cover third-party payers, children in the office, expectations for clients who attend court hearings, appointment/drop-in policy, texting and after-hours communication, document retention, etc.

#### Activities:

- Identifying/screening difficult clients:
  - Mediation training can provide useful skills. Review available mediation trainings.
  - Review publications by Bill Eddy and other non-violent communication experts, as well as experts in mental health fields. A lawyer cannot diagnose nor treat, but the recognition of certain behaviors can help strengthen the attorney-client relationship and remind the attorney that conflict as a result of these issues may not be avoidable, but it can be managed. Higher conflict cases are harder on an attorney's own mental health and well-being, so identifying them up front can give the attorney an opportunity to decide whether or not they have the resources to take on such a case.

## 3–Screening and Managing Clients

### III. LAW OFFICE PRACTICE

#### **Activities (continued):**

- Take courses on trauma-informed lawyering. Trauma-informed lawyering is essential for understanding and recognizing the impact of trauma on clients, enabling lawyers to provide empathetic and sensitive legal representation. By integrating trauma-informed practices, lawyers can create a safer and more supportive environment that fosters trust, healing, and better outcomes for their clients who have experienced trauma.

#### **Resources:**

- Discuss what additional resources the mentor/mentee has found useful in their own practice.
- Be prepared to provide resources for clients as needed.
  - Have a list of service providers specific to your area of practice (i.e.: family law attorneys might keep a list of parenting resources (classes, instructors, evaluators) and bankruptcy attorneys might keep a list of financial educators).
- Washington State Bar Association
  - [Practice Management Assistance](#)
  - [Law Firm Practice Guides and Forms](#)

Do not be afraid to encourage clients to seek mental health counseling, financial education, domestic violence, substance abuse and other forms of assistance.

# 4

## Office Technology and Infrastructure

### III. LAW OFFICE PRACTICE

#### Themes:

- Understanding the importance of being aware of innovative legal technologies and how these breakthroughs will affect the legal field.

#### Conversation Starters:

- What are some of the most useful and practical new technologies lawyers should know about?
  - Do these new technologies vary between practice areas?
- How have new legal technologies changed the way lawyers approach their practice?
- How did the pandemic affect how lawyers use technology? Did the pandemic affect how you leverage technology in your office?
- How are lawyers using legal data analytics to help their practice?
- What can lawyers do to stay current on their knowledge of cutting-edge legal technology that may benefit them?
- What is the use of a practice management system, whether that is a proprietary software system or something developed in-house?
- If you adopt a separate billing system, can it integrate with your practice management software? Can you at any time produce an accurate client ledger?
- What resources exist to help compare or educate about legal practice technology?

#### Activities:

- Review WSBA and ABA guidelines for use of iCloud storage, phones and tablets for using/storing client information. See the Law Firm Guide to Cybersecurity at [www.wsba.org/guides](http://www.wsba.org/guides). Develop a written policy that addresses security.
- Discuss adopting a practice-management/billing system. Make sure that it can be customized to how you intend to practice: cloud versus desktop accessibility by mobile device and/or remote office, number of licenses, trust accounting if required, and integration with other software providers (eg, Quickbooks, Freshbooks, document management software, etc).

## 4–Office Technology and Infrastructure

### III. LAW OFFICE PRACTICE

#### **Activities (continued):**

- Discuss how calendars are used. Consider adopting a regimented system/method for all deadlines, statutes of limitations, appointments, etc. Inquire as to whether or not your professional liability insurance has a preference.

#### **Resources:**

- Discuss what additional resources the mentor/mentee has found useful in their own practice.
- Washington State Bar Association
  - [Practice Management Assistance](#)
  - [Lending Library](#)
  - [Law Firm Practice Guides and Templates](#)

# 1

## Substance Abuse and Mental Health

### IV. PERSONAL DEVELOPMENT

#### **Themes:**

- Facilitating discussions about substance abuse and mental health issues in the legal profession.

#### LEARNING HOW TO:

- (a) Recognize possible warning signs of addiction or mental health problems.
- (b) Understand the impact this may have upon one's practice.
- (c) Find resources for assistance.
- (d) Provide support.

#### **Conversation Starters:**

- How do you handle stress in your practice? What are your coping strategies? Who do you turn to when you need support?
- What are the available WSBA member assistance resources for substance abuse and mental health?
- How are people impacted by addiction and/or mental health problems? Your peers? Your clients? Family or friends?
- What is the impact of addiction and/or mental health problems on the legal profession?
  - Discuss the proposition that scholarly and lay publications report that, compared to those in other professions, lawyers have some of the highest rates of alcohol and substance abuse.
  - If you had a crisis related to mental health or addiction, would you know where to turn?
  - How can therapy or group treatment be useful for these problems?



# 1-Substance Abuse and Mental Health

## IV. PERSONAL DEVELOPMENT

### Activities:

- Brainstorm the most professional ways for dealing with the following situations:
  - The judge before whom you appear seems impaired
  - The opposing counsel in your case attempts to negotiate with you while seeming impaired
  - Your client seems to be impaired at a hearing or a negotiation
  - You are concerned that a colleague at work may be struggling with addiction
  - Create a role play: One of you is struggling with one of these problems and the other is providing support.
- Explore employer's mental health services and programs. EAPs? WSBA resources? Other options for attorneys.
- Consider privately taking a depression or addictions online self-assessment.
- Review best practices for suicide assessment.

### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- WSBA Resources for addiction and mental health:
  - Review [Member Wellness Program website](#) to understand services offered. Contact Dan Crystal, WSBA Member Wellness Program Manager [danc@wsba.org](mailto:danc@wsba.org) or Adely Ruiz, Clinician and Outreach Lead [adelyr@wsba.org](mailto:adelyr@wsba.org) or 206-727-8268 for consultations, triage, and referrals.
  - Discuss confidentiality of discussions with or reports to LAP ([see APR 19](#)).
  - Review WSBA [lending library materials](#) on mental health.
  - After reviewing WSBA's programs, find out what programs your employer offers and how you access them.

# 1-Substance Abuse and Mental Health

## IV. PERSONAL DEVELOPMENT

### Resources (continued):

- Drug and alcohol [assessment tools \(www.drugabuse.gov\)](http://www.drugabuse.gov)
- ABA: signs symptoms and effects of:
  - [Alcohol abuse](#)
  - [Drug use and dependence](#)
  - [Depression](#)
  - [Stress](#)
  - [Potential suicide](#)
- Clinical consults through [WSBA's Member Wellness Program](#)
- [Depression screening self-assessment \(mentalhealthamerica.net\)](#)
- List of Washington [suicide hotlines](#). National Suicide Hotline open 24/7: 1-800-784-2433
- [Washington Contemplative Lawyers website](#)
- Rules of Professional Conduct and Rules for Enforcement of Lawyer Conduct:
  - [RPC 1.16 \(a\) \(2\)](#) – duty to decline representation if attorney's physical or mental condition impairs the ability to represent a client.
  - [RPC 1.14](#) – what to do when you represent a client with diminished capacity.
  - [RPC 8.3](#) – applicability of duty to report violations of RPC in cases of substance abuse or mental health.
  - [ELC 2.13](#) (c) – duty to disclose medical and psychological records.
  - Discuss a lawyer's personal and professional duties to assist their colleagues if they suspect impairment.

# 2

## Work Life Balance

### IV. PERSONAL DEVELOPMENT

#### Themes:

- Envisioning a work-life balance.

#### Conversation Starters:

- Describe your vision of a healthy, balanced and joyful life.
- Describe a time when you let things get off balance.
- How did you know it was off-balance and how did you rebound?
- What did you learn?
- Who is someone you know or admire who has a healthy work/life balance? Describe.
- What are the primary stressors at work that make it harder to enjoy the rest of your life? Long hours? Difficult colleagues? Mental fatigue?
- What are the stressors outside of work that add pressure to your career? Relationship, family, financial, social.
- Is the place you work not somewhere you see yourself? How would you make a switch? Networking? Retraining? A job group?
- How much do you prioritize rest, exercise, and nutrition?
- How do you want to be remembered?
  - Are you currently living in a way that will make that happen?
- What are some goals you would like to set? (Try to be specific as possible and set goals that make you happy). Examples of areas of your life you can set goals in:
  - Professional Development
  - Family/Personal Relationships
  - Financial Planning
  - Health Fitness
  - Career Planning (5-10 yrs if possible)

#### IV. PERSONAL DEVELOPMENT

##### Activities:

- Make a list of characteristics for your ideal career.
  - Work schedule? Practice areas? Clients? Colleagues? Salary? What are the greatest priorities? How does your current career compare to your ideal career?
  - Can you adjust your current career or would you need to make a change? How would you go about making adjustments?

##### STEP 1:

- Get a blank piece of paper and a pen. Draw a circle (pie).
- Fill the pie with all the things that make up your life and make you who you are. One item per “slice,” either by drawing or labeling.
- Be very specific! The more specific you are, the more helpful this will be.
- Examples: School, work, specific volunteer activities, family, friends, faith, hobbies, adventure, travel, etc.

##### STEP 2:

- Circle or underline which pieces are not getting the attention you think they need.
- Write down what happens when each piece doesn’t get the attention it needs...how do you know? What do you feel like? What happens to your mood, your relationships with yourself and others, your productivity, your health, etc.
- Discuss.

##### STEP 3:

- Write down concrete ways that you are going to make time for this in the next two weeks.

##### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.

This exercise can be done annually or as needed if goals/things change (should be done by both mentor/mentee).

# 1

## V. PROFESSIONAL DEVELOPMENT

# Civility and Etiquette in Your Practice

### Themes:

- Adhering to the unwritten rules and customs of civility and etiquette among lawyers and judges in the community.

### Conversation Starters:

- Applicable to All Practice Areas:
  - Review and discuss the Washington State Bar Association “Creed of Professionalism”[↗](#)
  - What is the appropriate demeanor with your clients?
    - What is the importance of sensitivity towards your clients?
  - What is the appropriate demeanor to use when addressing other attorneys, including opposing counsel?
  - What if you know opposing counsel well because you often oppose each other in matters?
    - Because you went to law school together?
    - Because you are good friends?
  - What are some tips for keeping calm during conversations with an opposing counsel who is acting unprofessionally, such as yelling, making personal attacks, or making threats?
  - What is the importance of associating with local counsel if you are handling a matter outside your community?
    - What are the benefits and disadvantages to doing so?
  - How do you go about finding local counsel in another community with which to associate yourself?
- Specific to Courtroom Practice:
  - How are judges customarily addressed in court, at formal functions and events, in social settings, or at the grocery store?
    - Does this custom change depending upon how often you appear before the judge or the capacity in which you know the judge? For example, if you are a prosecutor and appear before the same judge/magistrate every day?
    - Or, if you don’t appear before the judge in court, but you are on a bar association taskforce with them resulting in frequent meetings together?
    - Do these general guidelines also apply to magistrates?

# 1–Civility and Etiquette in Your Practice

## V. PROFESSIONAL DEVELOPMENT

### Conversation Starters (continued):

- What is appropriate demeanor with other court personnel—clerks, bailiffs, administrative assistants, court reporters, etc.?
  - Explain the roles of each in running the court.
- What is appropriate attire for lawyers in your local court(s)?
  - How should you advise your client to dress?
  - Does your client's dress depend upon the type of case being litigated?
  - What if your client does not have the proper attire to appear in court?
- What are the local court rules and how do they impact your conduct?

### Activities:

- Role Playing Exercise: Come up with a list of challenging situations that attorneys may face in a variety of different scenarios. Think about conflicts that can come up while working with clients, third parties, opposing counsel, coworkers, and courtroom staff. Act out how you might approach those conflicts. After the activity, discuss how you think it went and how you think it might go better. Following your conversation, consider either redoing the exercise with a new approach or move on to a different scenario.

### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [WSBA Creed of Professionalism](#)
- [Justice Steven González, True Civility Requires More Than Being Polite](#)
- [Paula Lustbader, Igniting a Culture of Civility, WASH. STATE BAR NEWS \(January 2011\)](#)

# 2

## Goal Setting

### V. PROFESSIONAL DEVELOPMENT

#### Themes:

- Making meaningful, professional goals that emphasize the ideal **work-life** balance for the lawyer, both personally and professionally.

#### Conversation Starters:

- Think about a goal that you set at some point in your life that is unrelated to your legal practice. Why did you set that goal? What steps did you take to achieve that goal?
- What type of goals do you think lawyers should make at different stages of their careers? Why should lawyers make those goals?
- What qualities do you think a life or career goal should have? Why should a goal have those qualities?

#### Activities:

- Let's begin by finding your greatest strengths. Although many people create goals to improve their weaknesses, goals can also help you maximize your strengths. Answer the questions below to help determine some of the good qualities you already have that you would like to make better.
  - What do you consider to be your greatest abilities and talents?
  - How could you make the most of them in the future?
  - Where do you find yourself most often wanting to help or be of assistance to others? In your day-to-day practice? In your life?
  - What tasks are you most motivated to do? In your day-to-day practice? In your life?
  - What would your closest friends say are your top ten strengths? Do you agree? Why or why not? How are you/could you put those strengths to work in your practice?
- Attorneys can also set goals to improve their professional standing. Consider some of the questions below to assess your current professional standing and where you would most like to grow.
  - What are the top three professional successes (big or small) you have achieved in the last 6 to 12 months? What made those successes stand out? What skills did you harness in achieving those successes?
  - What are your values and how can use those values to guide you in finding balance between your personal and professional goals?

## 2-Goal Setting

### V. PROFESSIONAL DEVELOPMENT

#### Activities (continued):

- Looking forward, what would you consider a large and profound professional success for you? What steps do you need to take to achieve that success? What does that success tell you about your career trajectory?
- Who are your preferred clients? What is it that you like about these clients? How can you get more clients like these?
- What career opportunities have you taken advantage of? What career opportunities are you not taking advantage of? Are you happy with your choices? Are there any opportunities you want to take advantages of in the future?
- What stock do you put in lawyer rating systems like Martindale-Hubbe, AVVO.com, Super Lawyers, etc.? What is the difference between these systems and traditional word-of-mouth ratings used by lawyers for centuries? Are these rating systems helpful in evaluating how effective you are as a lawyer?
- Over the next five years, what do you want to see in your future? Consider not just your professional career but also your non-lawyer life. Consider what changes in your non-lawyer life will do to your professional career and vice versa.
- Find your favorite goal setting method in the list below. Use that methods to create 3-5 goals for your legal career.
  - S.M.A.R.T. Goals are Specific, Measurable, Achievable, Relevant and Time-bound. This goal method is one of the most popular and can be traced to an article by Peter Drucker in 1981.
  - Aspirational Goals are affirmative statements that motivate you towards achieving them. Aspirational goals need to create a sense of urgency but do not necessarily require all the elements of S.M.A.R.T. Goals. Often, aspirational goals are based on a statement about why the goal is valuable and important rather than a specific target.
  - Locke and Latham's 5 Principles of Goal Setting is based on the concepts of clarity, challenge, commitment, feedback, and task complexity. You can find more by reading Building a Practically Useful Theory of Goal Setting and Task Motivation: A 35 Year Odyssey, American Psychologist 57(9):705-17 (October 2002).



## 2-Goal Setting

### V. PROFESSIONAL DEVELOPMENT

#### Activities (continued):

- OKRs are based on Objectives and Key Results. The objectives are what you hope to accomplish and are not normally measurable. The key results are based on the objective and are almost always defined with a specific number.
- BSQ goals are “Think Big – Act Small – Move Quick.” One “Thinks Big” when they define the ultimate goal, they then “Act Small” by identifying the milestones that will help achieve that goal, and then they “Move Quick” by coming up with a timeline for achieving each milestone. This theory was developed by psychologist David Van Rooy and published in his book Trajectory.
- BHAG (pronounced BEE-hag) goal setting tends to be big-picture goals with a visionary aspect. BHAG stands for Big Hairy Audacious Goal. These goals are “audacious 10 to 30 year goals” that propel you toward your vision. For example, Microsoft’s BHAG was “a computer on every desk and in every home.” It was developed by authors James Collins and Jerry Poras in Built to Last.

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [S.M.A.R.T. Goals](#)
- [Locke and Latham’s 5 Principles of Goal Setting](#)
- [BSQ goal setting framework](#)
- [BHAG](#)

# 1

## Administrative Law

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Guiding the practice of administrative law through understanding what administrative law is and the roles of state agencies.

#### **Conversation Starters:**

- Why are you interested in this area of law?
- What subject matter or focus areas do you want to target?
- What are the roles for an attorney?
  - Representation of petitioners (private or advocate), representation of the administrative agency, administrative law judge, review judge
- What is the judicial review process?
- What is the difference between agency statutory authority, agency rules, and agency policies?

#### **Activities:**

- Review the WAC's governing administrative hearings involving different agencies, discuss when agencies adopt the Model Rules (WAC 10-08) and when agencies have other rules.
- Discuss the differences between administrative and superior court processes, rules of evidence, etc.
- Review the APA provisions governing superior court judicial review hearings.
- Review the standards of review when the Court of Appeals reviews agency decisions.
- Discuss the differences between a statute (RCW), a rule (WAC), and an agency policy.
- Connect mentee with administrative law practitioners in various practice areas for observation or informational interviews.
- Attend an administrative hearing at OAH; introduce mentee to administrative hearing dockets so that they can find other observational opportunities.
- Attend a judicial review hearing at a superior court.
- Review the Code Reviser's webpage and an agency rule-making webpage; review rule-making forms and a rule-making record.

## 1–Administrative Law

### VI. SUBSTANTIVE LAW

#### **Activities (continued):**

- Attend a rule-making hearing.
- Review and discuss a JLARC report; attend or observe archived video of JLARC hearing on the report.
- Attend a [WSBA Administrative Law Section](#) meeting or activity.

#### **Resources:**

- Discuss what additional resources the mentor/mentee has found useful in their own practice.
- WSBA Administrative Procedure Desk Book
- [Washington State Code Reviser](#)
- [The Administrative Procedure Act](#)
- [Washington State Office of Administrative Hearings](#)
- University of Washington Gallagher Law Library Washington State Administrative Law [Resource page](#)

# 2

## Alternative Dispute Resolution

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Preparing for ADR, negotiation, and mediation.
- Helping clients resolve their disputes quickly, economically and with the least amount of stress.

#### **Conversation Starters:**

- What is mediation? Why do people choose to mediate cases?
- What are the characteristics and benefits of both formal mediation (under court or legal auspices) and informal mediation (non-legal but trained mediators; religious; other forums outside the legal system, including ethnic communities' embrace of respected elders)?
- What is arbitration? Why do parties choose arbitration? How is arbitration different from mediation? How is arbitration different from civil litigation?

#### **Activities:**

- Think about a time when you tried to resolve a conflict you were having in your private life without relying on the court.
  - What steps did you take to prepare for the negotiation?
  - Did you create any ground rules for the negotiation? If so, what rules did you set?
  - What was your original request? Did you have an opportunity to explain, justify and support your original request? Did you use any documentation to help support your position? If so, how did you support it?
  - Did you make any concessions during the negotiation? If so, what concessions did you make and why did you make those concessions?
  - How did you formalize your agreement? Did both sides comply with the agreement?
  - Looking back, how do you feel about the agreement you reached? Why do you feel that way?


## 2-Alternative Dispute Resolution

### VI. SUBSTANTIVE LAW

#### Activities (continued):

- Negotiation, Mediation, Arbitration and other forms of ADR often provide clients with a more economical, less risky, and less stressful way to resolve their disputes. Think about one of the areas you practice as an attorney. How have you used ADR and ADR strategies to resolve cases in that specific practice area? What strategies and tools can you use to improve your client's bargaining position while working on cases in that practice area? What are some ways you are trying to improve your ADR strategy in that practice area?
- You can use ADR negotiation strategies in all areas of your practice. One challenge attorneys sometimes face is working with third parties while investigating their cases. How have you effectively used ADR negotiation skills with other parties besides opposing counsel?

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [WSBA Dispute Resolution Section](#)
- [LegalMatch: Types of ADR](#)
- [Legal Encyclopedia: Arbitration Pros and Cons](#) 
- Exposure to 'marketing' arms of ADR services (private ADR firms offer much in the way of training to lawyers and law firms. Although really marketing efforts, these presentations are a good general introductions to the ADR process, how it works, 'tips' on what works and what doesn't, etc.)

# 3

## Bankruptcy-Consumer Law

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Guiding the practice of consumer and bankruptcy law.

#### **Conversation Starters:**

- Why are you interested in this area of law?
- Are you interested in representing creditors or debtors?
- Clients: more interested in representing individual debtors or businesses?
- Do you have any experience in this area? Did you take any bankruptcy or consumer law related courses in law school?
- What are your strengths/weaknesses?
- Must be licensed in federal court to practice bankruptcy law. If you are a solo attorney, you will need to purchase and annually renew requisite software (only if representing debtors—it's possible to represent creditors in bankruptcy court without purchasing any special "bankruptcy software").

#### **Activities:**

- Visit bankruptcy court—341 hearings for CH 7 and 13.
- Visit a bankruptcy court motion docket.
- Volunteer/shadow at a consumer law clinic.
- Attend a Creditor Debtor Rights section meeting or activity.

#### **Resources:**

- Discuss what additional resources the mentor/mentee has found useful in their own practice.
- [WSBA Creditor-Debtor Rights Section](#)
- [Website for Western District of WA](#) (or applicable District)
- [The National Consumer Law Center](#) has numerous excellent treatises and publications about various areas of consumer law and bankruptcy. Many of their treatises are available at local law libraries.
- [Local nonprofit](#) that assists low income individuals with debt/consumer issues, has several volunteer opportunities.
- NARCA: National Creditors Bar Association  
<https://www.creditorsbar.org>

# 4

## Elder Law

### VI. SUBSTANTIVE LAW

#### Themes:

- Guiding the practice of elder law.

#### Conversation Starters:

- What do you think is encompassed by an elder law practice?
- Why are you interested in this area of law?
- What experience/background do you believe you could bring to an elder law practice?
- Of the various legal areas covered in an elder law practice, which of the various areas do you think you would want to focus on? (Consider: advice, transactional, litigation aspects)
  - Trusts and estates (drafting)
  - Probate (administration)
  - Guardianships (administration)
  - Real property implications
  - Tax law implications
  - Planning for disability
  - Protecting persons with a disability, dementia and/or mental illness
  - Representing persons with a disability, dementia and/or mental illness
  - Government benefits
  - Trust, estate, guardianship and fiduciary litigation
- Discuss who the client is, and why that is particularly important in elder law?
- What are the ethical and practical considerations when the client may lack capacity?
- How do you spot and report potential abuse, neglect, exploitation, improper influence?
- What are the federal and state government programs and benefits?
- Discuss sources of authority (e.g., trusts, wills, nonjudicial binding agreements) and how they work together.

## 4–Elder Law

### VI. SUBSTANTIVE LAW

#### **Activities:**

- Observe probate and guardianship calendars at superior court, including hearings on guardianships, probate, Vulnerable Adult Protection Orders, and trust administration.
- Conduct mock estate planning interview, with mentee acting as client and with mentee acting as the attorney. Draft a will based on the interview.
- Connect mentee with other elder law practitioners having a similar and/or a different practice focus.
- Prepare pleadings for the creation and administration of trusts, estates, and guardianships.
- Engage in the application and uses of the Trust and Estate Dispute Resolution Act.
- Engage in the application and uses of the Vulnerable Adult Protection Act.
- Take the Court Visitor training.
- Shadow a Court Visitor.
- Meet with a professional fiduciary/certified professional guardian to better understand their role in this practice area.
- Discuss the importance of problem-solving in elder law.
- Understand how the members of the elder law bar work together.
- Attend a WSBA Elder Law Section meeting or activity.

#### **Resources:**

- [DSHS abuse reporting hotline](#)
- [Washington State Attorney General Protecting Seniors](#)
- [Washington Law Help](#) resources relating to various elder law issue
- [WSBA Elder Law Section](#)



# 5

## Labor Employment Law

### VI. SUBSTANTIVE LAW

#### **Themes:**

Guiding the practice of Labor/Employment Law.

#### **Conversation Starters:**

- Do you have any experience in this area of law? What are your interests (client counseling, investigating complaints, litigation, policy development, mediation, etc.)?
- Do you see yourself representing employers, workers, or oversight organizations?
- What are some connections with related areas of practice, such as administrative law, civil rights, contracts, employee benefits, mediation/arbitration?
- What other certifications or experience may be helpful?

#### **Activities:**

- Interview a couple of labor/employment law practitioners or arbitrators.
- Consider volunteering at the Unemployment Law Project.
- Attend a WSBA Labor and Employment Law Section meeting, CLE, or networking activity.

#### **Resources:**

- General
  - Discuss what additional resources the mentor/mentee have found useful in their own practice.
  - [Harvard Implicit Association Test\(s\)](#) to learn more about the mentor's and mentee's possible implicit biases that could influence their advice and counseling; discuss results together if interested.
  - Developing an understanding of cultural humility.

## 5-Labor Employment Law

### VI. SUBSTANTIVE LAW

#### **Resources (continued):**

- Government and Non-Profit Agencies
  - Regarding civil rights/discrimination issues, clients can file complaints with federal, state, and local agencies:
    - Federal ([EEOC](#))
    - State ([WHRC](#))
    - Local ([Seattle Human Rights Commission](#))
  - [Unemployment Law Project](#)
  - [Injured workers and Workplace Health and Safety Requirements - State Labor and Industries](#)
  - [United States Department of Labor](#)
  - [National Labor Relations Board](#)
  - [U.S. Citizenship and Immigration Services](#)
- Professional Organizations
  - [Washington Employment Lawyers Association \(plaintiff side\)](#)
  - [JAMS: Mediation, Arbitration, and ADR Services](#)
  - [ABA Labor and Employment Law Section](#)
  - [WSBA Labor and Employment Law Section](#)



# Family Law

## VI. SUBSTANTIVE LAW

### Themes:

- Guiding the practice of family law.

### Conversation Starters:

- Why are you drawn to this area of law? Do you have any experience?
- What are some typical family law matters?
  - Dissolution (division of assets, parenting plans, child support, spousal support)
  - Parentage actions
  - Modifications
  - Protection orders and restraining orders
  - Committed intimate relationships, residential schedules, restrictions on parent
- Where might there be intersection with other areas of law?
  - Contract law
  - Trust and estate law
  - Immigration law
  - Dependency law
  - Alternative dispute resolution
  - Property law
  - Criminal law
- What are the different types of experts you may potentially work with?
  - Financial expert
  - Real property appraiser
  - Guardian Ad Litem (GAL)/Parenting evaluator
  - Mental health expert

## 6–Family Law

### VI. SUBSTANTIVE LAW

#### **Activities:**

- Shadow at family law clinic.
- Visit the courthouse to learn about family law resources at court.
- Interview a family law practitioner.
- Attend a Family Law Section meeting or activity.
- Observe family law motion calendar.
- Network.
- Attend CLEs.
- Join WSBA Family Law Section and local county family law bar association.

#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [WSBA Family Law Section](#)
- [Washington Law Help resources](#) relating to various family law issues
- Washington state court [forms](#)
- Legal Voice: Women's Rights, [tools and resources](#)

# 7

## Health Law

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Guiding the practice of health law.

#### **Conversation Starters:**

- Why are you interested in this area of law?
- What type of clients do you want to work with?
- What type of additional training and expertise is required?
- What needs are specific to your clients?
- What is the most challenging aspect of your practice?
- What do you do to maintain **work-life** balance?
- How do you spend most of your time?
- Who else would you recommend connecting with?
- What professional associations and resources have you found most valuable?
- Where do you see the greatest need for legal services in the future?
- What would you do if you were me?

#### **Activities:**

- Discuss real world examples from the mentor's background with sample documents.
- Attend CLE or professional event, and discuss topics covered at such event.
- Review and provide feedback on resume and/or cover letters.
- Roleplay a professional situation (i.e., mock interview, conversation starter at network event, etc.) and provide feedback.
- Attend a Health Law Section meeting.

## 7-Health Law

### VI. SUBSTANTIVE LAW

#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Washington State Society of Healthcare Attorneys](#)
- [Washington State Hospital Association Health Law Manual](#)
- [United States Department of Health & Human Services](#)
- [WSBA Health Law Section](#)

# 8

## Appellate Law

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Learning about appellate law, improving your appellate practice, and getting more appellate experience.

#### **Conversation Starters:**

- Why are you interested in this area of law?
- What are some ways to get more appellate experience?
- How is appellate practice different than trial litigation?
- Who is the best appellate advocate for a client? The attorney who handled the case below, or someone with specialized appellate experience?

#### **Activities:**

- Attend a Court of Appeals or Supreme Court oral argument.
- Discuss the differences between civil litigation and an appeal that is limited to the record below.
- Discuss the importance of having a good record.
- Discuss ways to get more experience in appellate work in your work place.
- Review the standards of review and how they can affect your case.
- Hold a moot court with your mentor if you have an upcoming oral argument; attend your mentor's moot court if they have an upcoming oral argument; then attend (or listen to) the actual oral argument to see how well you anticipated the judges questions.
- Have your mentor review your brief; review your mentor's briefs.
- Attend an Appellate Law section meeting or activity.
- Get connected with a pro bono program that will allow you to take on more appellate cases become more experienced.

## 8–Appellate Law

### VI. SUBSTANTIVE LAW

#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- The Washington State Rules of Appellate Procedure
- The Federal Rules of Appellate Procedure
- Legal Writing and Appellate Practice books the mentor/mentee have found useful in their own practice
- The Chicago Manual of Style



# 9

## Civil Rights Law

### VI. SUBSTANTIVE LAW

#### Themes:

- Exploring the diversity of careers in civil rights law.
- Incorporating civil rights law into your practice.

#### Conversation Starters:

- “Civil Rights” is a broad practice area. What is it about civil rights law that interests you?
- What civil rights issue(s) do you want to work on and in what subject area(s) (e.g., criminal or civil law, employment, education, housing, health/human services, justice system and police reform, race equity, women’s rights, disability rights, LGBTQ rights, immigrant rights, voting rights, indigenous peoples, hate crimes, etc.)?
- Who do you want to represent as a client (i.e., individual, institution, government, non-profit, employers, etc.)?
- Are you interested in litigation? If so, do you prefer trial or appellate work?
- Would you rather work on policy issues or individual cases?
- Would you rather be in the public or private sector?
- Are you prepared to represent individuals who have suffered trauma?
- What level of work-life balance are you seeking?
- Let’s discuss any additional training and expertise that may be required to practice in your desired civil rights area(s) (certification, restorative justice circles, mediation, etc.).

#### Activities:

- Connect mentee with practitioners of civil rights in different practice area(s) for observation or informational interviews.
- Conduct informational interviews with potential government and non-profit employers.
- Attend a Civil Rights Law Section meeting or activity, and sign up on the section list serve.

## 9–Civil Rights Law

### VI. SUBSTANTIVE LAW

#### **Activities (continued):**

- Attend, watch, or listen to oral arguments in a case involving civil rights issues at the Washington Supreme Court, U.S. Supreme Court, and other courts. Read and discuss the briefs filed in the case.
  - Read and discuss the briefs filed in the case.
  - Read and discuss the court’s decision and impact of its holding.
- Read resolution letters and agreements issued by civil rights agencies.
- Check out the volunteer opportunities available through the WSBA, local bar associations, or non-profit organizations, and choose an opportunity that matches your interest or involves an area of civil rights law you want to explore.

#### **Resources:**

##### **GENERAL**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [Self-Assessment Tools](#) including Jung Typology Test, Kiersey Temperament Sorter
- [Harvard Implicit Association Test\(s\)](#) to learn more about the mentor’s and mentee’s possible implicit biases; discuss together if interested.
- [WSBA Civil Rights Law Section](#)
- [Washington Law Help](#) relating to various civil rights issues
- [University of Washington Law Library research guides](#) on public service careers, government jobs, clerkship opportunities etc.
- [ABA Civil Rights and Social Justice Section](#)
- [American Immigration Lawyers Association](#)
- [American Civil Liberties Union](#)

##### **SALARY AND BENEFITS**

- [Student Loan Repayment and Forgiveness](#)
- Federal Employee Salary Ranges:  
<https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>

## 9–Civil Rights Law

### VI. SUBSTANTIVE LAW

#### **Resources – Salary and Benefits (Continued):**

- Washington Attorney General Salary & Benefits:  
<http://www.atg.wa.gov/salary-benefits>
- Public Interest Law Salary Ranges:  
<http://www.nalp.org/july14research>

#### **GOVERNMENT AGENCIES AND NON-PROFITS**

- Washington Office of Public Defense – Various Resources:  
<http://www.opd.wa.gov/index.php/resources>
- Civil Rights Division of U.S. Department of Justice:  
<https://www.justice.gov/crt/about-division>
- Federal Civil Rights Offices, Various:
  - Education:  
<https://www2.ed.gov/about/offices/list/ocr/index.html>
  - HHS:  
<https://www.hhs.gov/ocr/index.html>
  - HUD:  
[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp](https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp)
  - EEOC:  
<https://www.eeoc.gov/>
- Wing Luke Civil Rights Unit:  
<http://www.atg.wa.gov/wing-luke-civil-rights-unit>
- Northwest Justice Project:  
<https://nwjustice.org/>
- Columbia Legal Services:  
<http://columbialegal.org/about>
- Washington State Human Rights Commission  
<https://www.hum.wa.gov>

# 10

## VI. SUBSTANTIVE LAW

# Estate Planning, Probates, and Trusts

### Themes:

- Guiding the practice of estate planning, probates, and trusts.

### Conversation Starters:

- What drew you to a practice in estate planning?
- What do you believe an estate planning practice looks like?
- Who do you represent, and where are the possible conflicts of interest?
- Are there issues of competency? What do you do if you are worried about your client's capacity?
- How do you determine what type of estate planning documents your client needs? (What should be in the will? Does your client need a Trust? What kind of health care related documents does your client need?)
- What are some favorite techniques/tips when planning for taxable estates?
- How and when do you involve other professionals (accountants, tax preparers, appraisers)?
- What do you tell people when they ask why they need a will, or why they need a lawyer (instead of a LegalZoom form)?
- When is a living trust a good idea?

### Conversation starters for probate:

- What are the steps for probating a will?
- What are the pitfalls of a probate proceeding?
- What does a personal representative need to do in a probate?
- What role does the lawyer play in administration of a probate after the personal representative has been appointed?
- What are the most common things that personal representatives need help with?
- The court ordered a bond, now what do I do?
- How do I find heirs?
- What is TEDRA and when does it apply?

## 10–Estate Planning, Probates, and Trusts

### VI. SUBSTANTIVE LAW

#### Activities:

- Conduct a mock intake interview with mentor acting as client and mentee playing the role of the attorney. Mentee can draft a will and other estate planning documents for the “client.”
- Introduce mentee to various non-lawyer professionals such as accountants, financial advisors, counselors, guardians, or assisted living or nursing home specialists.
- Review Title 11 RCW.
- Discuss the specific timing considerations in probate proceedings, and the various deadlines.
- Attend a hearing on the ex parte calendar or probate calendar (King and Pierce Counties).
- Review local rules regarding probates and trusts (as applicable).
- Allow mentee to observe presentation of a petition to probate will, and explain all documents that accompany the petition to appoint personal representative.
- Show mentee how to obtain letters testamentary.
- Discuss issues specifically relating to aging clients (i.e., Social Security, retirement benefits, medical issues).
- Visit the courthouse and learn about the commissioner’s calendars.
- Attend a Real Property, Probate and Trust Section CLE.
- Sign-up for the Real Property, Probate and Trust Section [listservs](#).

#### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- WSBA Real Property, Probate and Trust Section:  
<http://www.wsbarppt.com/>
- Title 11 RCW
- Washington Law Help regarding “seniors”:  
<http://www.washingtonlawhelp.org/issues/aging-elder-law>

# 11

## Real Estate

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Guiding the practice of real estate law.

#### **Conversation Starters:**

- What drew you to a practice in real estate?
- What do you believe a real estate practice looks like?
- Who do you represent, and where are the possible conflicts of interest?
- What does a real estate transaction entail; what is the attorney's role?
- What are the major differences between a residential and a commercial transaction?
- What are the pitfalls in litigation involving real estate?
- How do I find out information about a specific piece of real estate?
- If I think there may be a lawsuit, what steps do I need to take?
  - What is a lis pendes; does my client need one?
  - What is a litigation guarantee, does my client need one?

#### **Activities:**

- Discuss various types of real estate disputes. For example: contract issues, landlord/tenant disputes, zoning issues, liens, boundary line disputes, trespass and nuisance claims. Introduce mentee to attorneys with experience in these areas.
- Conduct a mock intake interview with mentor acting as the client and mentee acting as the attorney. Mentee should debrief to describe steps necessary to assist client or any necessary litigation plan.
- Discuss what is necessary for a buyer's due diligence.
- Discuss life of a real estate transaction: purchase and sales agreements; earnest money; UCC searches and title reports; closing documents and the closing process.
- Introduce mentee to other attorneys practicing in real estate.
- Introduce mentee to escrow agents, title companies, brokers, and lenders.
- Visit the courthouse and learn about commissioner's calendars (especially if practice will include show cause hearings).

## VI. SUBSTANTIVE LAW

### **Activities (continued):**

- Attend a Real Property, Probate and Trust Section CLE.
- Sign-up for the Real Property, Probate and Trust Section listservs.
- Review auditor and assessor websites from various counties. Review GIS for your county of practice. Learn how to retrieve recorded documents.

### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- WSBA Real Property, Probate and Trust Section:  
<http://www.wsbarppt.com/>
- Washington State UCC Search:  
<https://fortress.wa.gov/dol/ucc/search.aspx>
- Individual county's recorded document searches
- Washington Law Help regarding evictions and landlord/tenant issues:  
<http://www.washingtonlawhelp.org/issues/housing>