

CORE CURRICULUM ACTIVITIES

Mentor and mentee should choose five (5) activities from the Core Curriculum Areas below and add them to the Mentoring Plan.

CORE CURRICULUM AREA ONE:

INTRODUCTION TO THE LEGAL COMMUNITY, PUBLIC SERVICE AND BAR SERVICE

Suggested Activities:

- Introduce the mentee to others in the community through attendance at local bar associations or other law-related events. Discuss the opportunities and value of participating with local, state, or national bar organizations.
- Explain customs and expectations of etiquette and behaviors within the legal community such as cooperating with reasonable requests of opposing counsel that do not prejudice clients, punctuality in fulfilling professional commitments, and avoiding offensive tactics.
- Introduce the mentee to other lawyers and staff at mentor's workplace.
- Discuss a lawyer's professional obligations regarding the personal rewards arising from community and public service, i.e., acquaint the mentee with a law-related charitable organization or with programs in which lawyers in private practice can provide pro bono legal services.

CORE CURRICULUM AREA TWO:

RULES OF PROFESSIONAL CONDUCT/STANDARDS OF PROFESSIONALISM

Suggested Activities:

- Review ethical issues that arise with some regularity in the practice setting and best practices for resolving them, i.e., review and discuss the importance of and methods used to screen for conflicts.
- Discuss available resources for resolving ethical issues, including consultation with the State Bar of Wisconsin Ethics Hotline, private ethics counsel, and in-house ethics counsel or committees.
- Discuss the importance of cultural competence to effectively represent diverse clients and work in a diverse legal community.
- Discuss the lawyer's oath and the practical application of the obligation to protect the laws of the State of Wisconsin and the United States.
- Discuss the core lawyering values of confidentiality and loyalty with reference to the

Wisconsin Rules of Professional Conduct.

- Discuss how a mentee should handle a situation in which he or she believes that another lawyer has violated ethical duties, including the duty to report certain kinds of misconduct. Discuss what to do if the mentee believes he or she has been instructed to engage in prohibited conduct.
- Discuss the Minimum Continuing Legal Education requirements and ways to fulfill the requirements, including State Bar of Wisconsin resources.

CORE CURRICULUM AREA THREE: INTRODUCTION TO LAW OFFICE MANAGEMENT

Suggested Activities:

- Review and discuss malpractice insurance coverage including disclosure requirements.
- Frequent ethical issues (i.e., neglect of a legal matter, failure to communicate with the client, trust account rules and best practices for handling client funds)
- Discuss calendar/reminder systems, document retention plans, filing systems, time keeping, and/or billing systems.
- If from the same firm, discuss the mentee's role in the billing system. If not from same firm, review and discuss good billing practices, or arrange for mentee to meet with someone knowledgeable about best practices.
- Discuss the roles and responsibilities of paralegals, secretaries, and other office personnel and how to build good working relationships.
- Discuss software and other resources that may be helpful to the mentee in his or her work.

CORE CURRICULUM AREA FOUR: WORKING WITH CLIENTS

Suggested Activities:

- Review how to screen, recognize, and avoid conflicts of interest.
- Discuss how to maintain ongoing client relations (i.e. returning telephone calls, keeping clients informed, establishing communication expectations).
- Discuss the importance of knowing whom you represent, particularly when representing corporations, government agencies or other organizations.

- Discuss client interaction, including tips for gathering information about a legal matter and appraising the credibility and trust of a potential client.
- Discuss best practices and strategies when conducting a client interview or client counseling session.
- Discuss how to decide whether to accept a proffered representation.
- Discuss how to talk about and set the fee for legal services. Review retainers and fee agreements and discuss the importance of written engagement agreements.

**CORE CURRICULUM AREA FIVE:
CAREER SATISFACTION**

Suggested Activities:

- Discuss how to handle challenging relationships in and outside the office, and how to develop a support system of colleagues and others with whom the mentee can discuss problems as they arise.
- Discuss the warning signs of substance abuse and depression and how to address those problems when they are manifested in the mentee or others. Review and discuss the support and counseling available to the mentee and their family, including the State Bar of Wisconsin Lawyer Assistance Program (WisLAP).
- Discuss the importance of having a business plan for developing a practice and meeting both short- and long-term career objectives.
- Discuss the importance of making time for family, friends, and other personal interests.

PRACTICE AREA ACTIVITIES

Mentor and mentee should choose five (5) activities from the Practice Area Activities below and add them into the Mentoring Plan.

Please note: The activities included in each area are merely suggestions. The mentor and mentee are free to identify any five (5) practice area activities that support the goals of the mentee. They are also free to include activities from several practice areas, for a minimum total of five activities.

The program welcomes suggestions to include in this section of the manual.

ADMINISTRATIVE LAW

- Introduce mentee to administrative law judges.
- Attend several types of administrative law contested case hearings which are open to the public.
- Review and discuss selected Wisconsin administrative law appellate case law.

ALTERNATIVE DISPUTE RESOLUTION

- Review and discuss Wisconsin statutes on mediation.
- Discuss the differences between arbitration and mediation and the considerations for using each method of dispute resolution.
- Discuss strategies and best practices when preparing for a mediation or arbitration.
- Discuss how to prepare a client for mediation or arbitration.

APPELLATE PRACTICE

- Review and discuss the Wisconsin and Federal Rules of Appellate Procedure, as applicable.
- Attend and observe an appellate argument in the Wisconsin Supreme Court, the Wisconsin Court of Appeals, or the 7th Circuit Court of Appeals.
- Attend a CLE on a component of appellate practice (e.g., brief writing, oral argument).
- Read and discuss an article or book on oral advocacy or brief writing.

BUSINESS LAW

- Discuss the various forms of business entities (corporations, LLCs, partnerships, LLPs, etc.) and the considerations for choosing each one.
- Discuss key considerations in choosing Wisconsin, Delaware, or other jurisdiction for incorporation or organization of new entities.
- Review basic documents involved in the formation of a business entity such as Articles of Incorporation, Articles of Organization, Bylaws, Operating Agreements, Partnership Agreements, corporate minutes and resolutions.
- Discuss basic blue sky and other securities issues associated with formation of entities.
- Review examples of Form D and related blue sky notices.
- Discuss or review one or more of the following documents commonly developed in a business practice: shareholders' agreement; buy-sell agreement; stock purchase agreement; asset purchase agreement; noncompetition agreement; security/collateral agreement; or promissory note.
- Discuss the due diligence process for mergers and acquisitions.

CIVIL LITIGATION

- Review and discuss the local rules of the Federal District Courts in Wisconsin.
- Review and discuss the Supplemental Local rules for your county's Circuit Court focusing on issues that frequently arise.
- Discuss what happens in a “conference” before filing a motion (why is it required, what constitutes conferral, provision of authorities for one's position, necessity for dispositive motions)
- Discuss the pros and cons of a motion to dismiss in federal court or state court.
- Discuss how to conduct a Rule 16 scheduling conference in a Federal District Court in Wisconsin.
- Discuss how to take a proper statement from a witness for use at trial.
- Discuss common issues of professionalism in a litigation practice including scheduling courtesies, who will produce documents or be deposed first, where depositions occur, personal attacks in briefs or hearings, proper usage of email and fax communications, appropriate courtroom conduct by counsel and client, preparation of a client or witnesses for the courtroom.
- Discuss various discovery tools: Request for Production of Documents, a Request for Admissions, or, if in Federal Court, a set of Interrogatories (how are they used, what deadlines apply, rules that apply).
- Discuss the proper preparation of a witness for a deposition and the proper conduct of an attorney taking and defending a deposition.
- Discuss preparing motions and memoranda in support of summary judgment in state or federal court.
- Discuss final trial preparations including preparing pretrial order and making pretrial disclosures of witnesses and exhibits.
- Attend/observe a final pretrial conference in state or Federal Court.
- Attend/observe an evidentiary hearing in a state or Federal Court.
- Attend/observe a trial (or parts of one) in state or Federal Court.
- Discuss the mechanics of trial, including where to be when questioning a witness or addressing the court, proper attire, when to stand, courtroom decorum, addressing opposing counsel, judge’s bench books, etc.

CONSTITUTIONAL LAW

- Review and discuss the most common federal Constitutional claims used by attorneys in Wisconsin. This could include one or more of the following:
 - Rights of communication and expression,
 - Anti-establishment and religious freedom,
 - Equal protection and due process,
 - Privacy,
 - Search and seizure,
 - Habeas Corpus, and

- Supremacy.
- Review and discuss how the Wisconsin Supreme Court interprets and applies the State Constitution and the claims that are used more frequently by practicing attorneys in Wisconsin. This could include one or more of the following:
 - First-things-first doctrine and primacy of state constitutional issues,
 - Independent state constitutional rights,
 - Interpreting state constitutional provisions,
 - Expanded rights in criminal proceedings,
 - Expanded rights of expression, and
 - Impairment of contract, open court and remedies, privileges and immunities, or the religion clauses.
- Review and discuss advantages and disadvantages of raising federal constitutional claims in state or Federal Court.
- Review and discuss some of the common issues that arise in claims filed pursuant to Section 1983 of the Civil Rights Act Review and discuss some of the issues related how and where constitutional claims can be raised and what record will be necessary (challenging referendums or initiatives, administrative actions, state statutes, actions by judge during trial, constitutional claims in administrative proceedings, appeals, removal to Federal Court, referral from Federal Court to State Supreme Court).

CRIMINAL LITIGATION

- Discuss process and strategies of a client interview or meeting with a key witness.
- Discuss factors considered by prosecutors in making charging decision.
- Observe charge negotiations between defense counsel and the prosecutor counsel.
- Discuss defense discovery obligations.
- Discuss how to find and engage a private investigator.
- Review information or indictment for constitutional and/or pleading defects.
- Review and discuss pretrial diversion options.
- Review and discuss plea in abeyance statute.
- Discuss alternatives to prosecution in state cases such as specialty courts, diversion, and civil compromise.
- Review and discuss criteria in federal cases for a one- or two-level reduction of offense in a particular case and study applicable statute.
- Discuss elements of greater/lesser offenses and range of mandatory/discretionary sentences.
- Observe trial.
- Observe an entry of plea in state or Federal Court.

DEBTOR-CREDITOR/CONSUMER LAW

- Review and discuss a motion for provisional process.
- Review and discuss documents for the appointment of a receiver or an assignment for the benefit of creditors.
- Review and discuss statutory and possessory liens and their enforcement.
- Review and discuss how to file and enforce a foreign judgment.
- Review and discuss appropriate documents for garnishment or execution on a judgment.
- Discuss fraudulent conveyances and how to challenge or set aside a transfer.
- Review and discuss state and federal consumer protection laws including the UTPA, the Fair Debt Collection Act, the Fair Credit Act, TILA, and vehicle “lemon laws” and the claims and defenses they offer.
- Review and discuss a standard retail installment contract.
- Review and discuss the family expense doctrine.
- Observe or participate in a hearing on a consumer law issue.

ENVIRONMENTAL LAW

- Discuss or write a legal memorandum analyzing a significant question under one or more of the following statutory areas: RCRA Hazardous Waste (State and Federal), Solid Waste Management, Storage Tanks, Clean Air Act, Clean Water Act, NEPA/SEPA, Endangered Species Act, Asbestos Management.
- Discuss the obligations under applicable Right-to-Know statutes.
- Discuss obligations to report the discovery of preexisting contamination.
- Discuss environmental permits under both state and federal laws.
- Discuss or prepare a checklist for a multimedia compliance audit for an industrial facility.
- Discuss a rulemaking process.
- Discuss or write a legal memorandum analyzing Superfund liability.
- Discuss or review agency penalty policy.

ESTATE PLANNING

- Discuss basic estate planning documents.
- Discuss best practices for gathering and organizing client information
- Discuss probate pleadings, notices to creditors and arrangements for arrange publication.

FAMILY LAW

- Review and discuss the Rules of Civil Procedure, Uniform Trial Court Rules, and applicable Supplemental Local Rules specific to family law.
- Review an example petition for dissolution.
- Discuss preparation and process of a custody evaluation settlement conference.
- Observe a family law trial (if open).

- Discuss premarital agreements including statutory requirements, case law, and necessary terms of premarital agreements.

IMMIGRATION LAW AND THE REPRESENTATION OF FOREIGN NATIONALS IN WISCONSIN

- Discuss the substantive law and procedures related to admission and exclusion.
- Discuss the substantive law and procedures related to removal, including relief from removal (voluntary departure, prosecutorial discretion, regularization of status, extreme hardship).
- Discuss the availability of judicial review and habeas corpus on matters related to admission, exclusion and removal.
- Discuss the most common grounds for seeking admission, delaying removal or changing immigration status to avoid removal. (Could include one or more of the following: creating a business, employment, family, victim of domestic violence or human trafficking, refugee, political asylum).
- Discuss common legal issues related to advising and representing foreign nationals in Wisconsin. This could include one or more of the following:
 - Future impact of a guilty, no contest plea, or criminal conviction on admissibility and removal under immigration law,
 - Effect of immigration status on right to work, buy land, create a business, serve on a board of directors, and similar matters,
 - Requirements that employers check immigration status at time of hiring and in response to Social Security mismatch letter, I-9 audit, or other notice to employer from the federal government,
 - Effect of immigration status on rights of employees under labor protections statutes.
 - Effect of immigration status on eligibility for various government benefits and the potential impact of seeking benefits on immigration status, or
 - Getting a driver's license and insurance under the REAL ID act.

INTELLECTUAL PROPERTY AND PATENT LAW

- Discuss patent search/evaluation.
- Discuss the process of drafting and filing a patent application.
- Discuss the process of filing an Information Disclosure Statement (IDS).
- Discuss or review an appeal brief.
- Discuss and review techniques for successful patent prosecution.
- Observe a client interview.
- Discuss an example trademark application.

JUVENILE LAW

- Discuss the standards used by DHS for removal in ICWA and non-ICWA cases and

reasonable efforts to avoid removal, achieve permanency.

- Discuss placement options for children including involvement of relatives and visitation arrangements.
- Discuss the role of the court, DHS, the CASA, and the district attorney or department of justice lawyer (and the tribe in ICWA cases).
- Discuss the process of a jurisdictional hearing and how best to prepare a parent to testify.
- Discuss the grounds for initial and continuing juvenile court jurisdiction and the relationship with “reasonable” or “active” efforts by the state to reunite the family.
- Discuss the role of counsel for a child who is capable of considered judgment; discuss best interests representation of a child not capable of considered judgment.
- Discuss Special Immigrant Juvenile Status for non-citizen child clients.
- Discuss formal and informal treatment of juvenile offenders and scope of court’s discretion.
- Discuss capacity of juveniles to waive constitutional rights.
- Discuss the role of counsel in delinquency cases and the need to follow client directives as in criminal cases.
- Discuss pre-petition issues for juveniles, detention, and waiver to criminal court.
- Discuss direct and collateral consequences of juvenile adjudications.

LABOR AND EMPLOYMENT

- Review and discuss a separation or settlement agreement.
- Discuss consultation with management on HR issues.
- Discuss or observe an unemployment benefits appeal hearing.
- Discuss or observe an employment law issue, such as a claim under Title VII, the Family Medical Leave Act, the Americans with Disabilities Act, or other substantive federal law or its state counterpart.
- Discuss or observe one or more of the following: basic defined contribution plans, including 401(k) plans; basic cafeteria plans; basic umbrella welfare plans; routine amendments to plans; determination letter requests; summary plan descriptions; summary of material modifications and summary of annual reports; distribution forms.

LEGISLATIVE AND ADMINISTRATIVE LOBBYING

- Discuss and review the roles that an attorney could play in advising or advocating in legislative or administrative lobbying for a client.
- Discuss the state and federal laws that require lobbyist to register, the definitions of lobbying, the restrictions on making gifts, and the requirements related to reporting time and certain expenditures.
- Discuss and review the characteristics of effective legislative lobbying, including how to make connections with legislators and legislative staff, build credibility and trust, testify, participate in work groups, join coalitions and similar matters.
- Attend and, if possible, participate in a legislative hearing.

- Discuss and review how to build relationships with agency representatives and the formal and informal ways to influence the agency in its decision-making.

NATURAL RESOURCES/LAND USE

- Discuss or research a significant question under one or more of the following statutory areas: National Environmental Policy Act/SEPA/CEQA, Endangered Species Act/Marine Mammal Protection Act/Magnunson Stevens Fishery Conservation and Management Act, Clean Water Act/Rivers and Harbors Act, Coastal Zone Management Act, Federal Insecticide Fungicide, and Rodenticide Act, Federal Land Policy and Managements Act/Multiple-Use Sustained-Yield Act/National Forest Management Act, reclamation Laws/Reclamation Reform Act, state and local land use laws, water rights laws, and wetlands laws, substantive mining and oil and gas laws.
- Discuss environmental, natural resources, and local land use permits needed for a project under federal, state, and local laws.
- Discuss Phase I and Phase II environmental site assessments.
- Discuss the process of due diligence investigations, such as compliance with applicable local land use requirements or existence of water rights.
- Discuss a property transfer assessment.

NEGOTIATION

- Discuss how to prepare for the negotiation of a legal matter.
- Discuss when and how negotiation should be initiated.
- Discuss when and how to involve the client in negotiation.
- Discuss ethical and professional obligations of negotiators.
- Discuss skills needed to be an effective negotiator and how to acquire them.

REAL ESTATE LAW

- Discuss the steps involved in negotiating and completing a commercial real estate transaction.
- Discuss common real estate documents such as real estate purchase agreements, deeds of trust, mortgages, commercial leases, residential leases, Notice of Default.
- Discuss the basic provisions of state and federal law affecting real estate and the enforcement of legal rights associated with real estate.
- Discuss the taxation of real estate.
- Discuss title concepts and issues including marketability of title, priority of interests, forms of ownership, forms of conveyances, recording requirements, statutory and nonstatutory liens and other similar concepts.
- Discuss title insurance policy forms, available endorsements and customary insurance and endorsement practices in different transactions.

- Discuss distinctions between real and personal property and the methods of transfers of and creation of liens on different asset types.
- Discuss easements, reservations, covenants and the enforcement of such rights, common interest ownership options and the applicability of real estate doctrines such as partition.
- Discuss survey concepts and issues including metes and bounds legal descriptions, access and title issues presented by surveys.

SECURITIES REGULATIONS ISSUANCES

- Understand basic premise of registration or qualifying for an exemption from registration (both at a federal and state level).
- Become generally familiar with definitions of “security,” “offers,” “sales”.
- Learn basics of common exemptions for securities issuances under the Securities Act of 1933.
- Discuss process of registering securities transaction or company with the SEC.
- Become generally familiar with qualification and exemption under Blue Sky laws.

SEC

- Understand general structure of Division of Corporation Finance and the basic SEC review process.
- Become generally familiar with SEC website and EDGAR filings, including access to forms, interpretations and company filings.
- Understand which forms are typically used for what purposes (S-1, S-3, S-4, S-8, 10-K, 10-Q, 8-K, proxy materials, Schedule 13D and 13G, Form 144)
- Review Regulation S-K (heart of SEC disclosure) and incorporation by reference into forms.
- Generally understand scope of coverage of Regulation S-X.
- Review Regulations FD and G.
- Become generally familiar with concept of “materiality”.

TAX LAW

- Discuss the principal tax considerations associated with various forms of entities (corporations, LLCs, partnerships, limited partnerships, etc.).
- Discuss the general tax considerations associated with taxable and tax-free acquisitions and divestitures, equity compensation, like-kind exchanges and the procedures associated with federal and state tax controversies.
- Discuss the tax forms and publications applicable to the basic types of entities.
- Analyze and discuss one or more complex tax matters.