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The University of St. Thomas School of Law Mentor Externship

General Overview

The Mentor Externship is one of the most distinctive and innovative components of the University of St. Thomas School of Law. Serving the School of Law's mission, the program provides students with a hands-on opportunity to develop a personal union of faith, reason and professional life. The program is also a national model for education-based mentor programs, combining reflective lawyering and experiential learning with a focus on professionalism and ethics. No other law school mentor program in the country requires such extensive participation from its students.

Each year of law study, students are paired with respected lawyers and judges in the community to further the objectives of the externship. The objectives are as follows:

1. To provide opportunities for mentors and students to converse about the practice of law and the profession.
2. To provide each student with a variety of experiential windows through which to observe the practice of law and the profession.
3. To provide opportunities for students to discuss and analyze with other students what they are seeing and learning from field placement.

Mentors introduce students to a wide range of lawyering tasks and judicial activities and share with them the traditions, ideals and skills necessary for a successful career. Each pair is required to engage in a number of lawyering or judicial activities together. For example, the student may accompany his or her mentor to a deposition, client meeting, or appellate argument. Perhaps a third-year student is asked to draft a buy-sell agreement. Through this hands-on interaction with the bench and bar, students can draw on the skills of a more senior member of the profession to better prepare for life as a lawyer.

In addition to completing fieldwork requirements with a mentor, students also share their experiences with each other in small group sessions. Students benefit from hearing both about other mentors' approaches to the same issues, and about other students' perceptions of what they have experienced. The conversation dramatically expands the information the student receives about the practice of law. The moral psychology literature demonstrates that peer discussion of moral issues and dilemmas is the best-known method for developing adults' moral reasoning capability. By sharing their own ideas and responding to others' thoughts, students improve their thinking and deepen their understanding of important issues.

During the first year of law study, the small group sessions include a full-time faculty/staff member and peer mentors. Peer mentors are second and third-year students who assist first-year students with a variety of needs and challenges. These small groups, mixing students from all three years, create a strong community that cuts across the classes. They also allow students to thoughtfully navigate the intersection of classroom and fieldwork with respect to topics important to our community such as balance and servant leadership.

New for 2004-2005

Mentor Externship now offers second and third-year law students the opportunity to participate in an academic credit program that combines fieldwork with a contemporaneous seminar component. A skilled full-time or adjunct faculty member facilitates the seminar component. At the start of the 2005 academic year, all second and third-year law students will be required to participate in the academic credit program. Students will earn one credit each year of Mentor Externship, for a total of two credits during law school.

Our Mentors

As members of a self-governing profession, lawyers and judges are called to assist in the training and preparation of our next generation of lawyers. Our mentors respond to that calling.

Over 425 lawyers and judges currently volunteer as mentors in the program. Mentors reflect the diversity of the profession in all its forms including age, gender, ethnicity, practice area, geographic location and religion. Mentors also represent all sectors of the profession: private practice (solo to large firm), local, state and federal government; non-profit and public interest organizations; in-house; public defenders; and the judiciary, including state and federal district courts, the appellate courts, specialty courts and Administrative Law Judges.

This one-of-a-kind community of students, mentors, and faculty, informed by faith and reason, both presents a credible and realistic view of our profession and fosters a commitment to the ideals of the profession. Students develop a profound understanding of "real world" issues and a keen awareness that the success and health of the profession rest in the hands of the next generation of lawyers. This program prepares students for service and leadership.

Calendar of Mentor Externship Events

August

Friday, August 13, Noon – 1 p.m. – Peer Mentor Small Group Meetings – Various Locations

Tuesday, August 24, 10:30 a.m., 1 p.m., and 2:30 p.m. – 1L Mentor Externship Orientation – MSL 235

Wednesday, August 25, Thursday, August 26, or Friday, August 27, Noon – 1 p.m. – 2L/3L Mentor Externship Orientation – MSL 458

September

Tuesday, September 14, 10 a.m. – 11:30 a.m. – Minnesota Supreme Court, Oral Arguments in State v. Burell – Frey Moot Courtroom

October

Friday, October 1 – PPDP Forms Due – turn in the form in MSL 400

Tuesday, October 5, Noon – 1 p.m. – Peer Mentor Small Group Meetings – Various Locations

November

Wednesday, November 3, Noon – 1 p.m. – 2L/3L Peer Debriefing Group Meetings – Various Locations

Wednesday, November 10, Noon – 1 p.m. – 2L/3L Peer Debriefing Group Make-up Session – MSL 401

January

Wednesday, January 19, Noon – 1 p.m. – Peer Mentor Small Group Meetings – Various Locations

February

Thursday, February 3, Noon – 1 p.m. – 2L/3L Peer Debriefing Group Meetings – Various Locations

March

Wednesday, March 30, Time TBA – Naturalization Hearing – Frey Moot Courtroom

April

Wednesday, April 27, Time TBA – Mentor Appreciation Reception – Schulze Atrium

May

Friday, May 6 – 3L Logs Due – turn in logs in MSL 400

Friday, May 27 – 1L/2L Logs Due – turn in logs in MSL 400

See the Docket for further details and additional events.

Student Requirements

Requirements for First-year Students

1. Attend orientation and training in August, 2004;
2. Prepare a personal and professional development plan (PPDP); the PPDP is an individualized goal-setting worksheet;
3. **Submit completed and signed PPDP by Friday, October 1, 2004;**
4. Log all program activity electronically using the individualized web log; all activities should be logged contemporaneously;
5. Complete a minimum of 12 (twelve) experience hours during the year;
6. Complete a minimum of 4 (four) experiences during the year;
7. Attend 3 (three) small group sessions (without mentor);
8. Prepare 2 (two) 250-word debriefing summaries based on a conversation or experience with the mentor;
9. Following the completion of all program requirements, print activity log and review the activities with the mentor. Obtain the mentor's signature on the activity log and submit to the Director of Mentor Externship. **For first-year students, completed logs are due Friday, May 27, 2005.**
10. Complete a year-end evaluation.

For all second and third-year students, the program requirements remain the same with the following variations:

1. Second and third-year students must complete 15 (fifteen) experience hours during the year;
2. Second and third-year students must complete a minimum of 5 (five) experiences during the year;
3. **For graduating third-year students, completed logs are due Friday, May 6, 2005; for second-year and continuing third-year students, completed logs are due Friday, May 27, 2005.**

Mentor Requirements

1. Meet with assigned student prior to October 1, 2004;
2. Complete, with the student, a PPDP (see Tab 4, goal-setting exercise identifying experiences and topics of discussion for the year) before October 1, 2004;
3. Try to complete a minimum of two (2) experiences together during the year;
4. Debrief, or converse, about a minimum of two (2) agreed-upon topics during the year;
5. Review and sign the student's activity log at the conclusion of the year;
6. Commit 8-12 hours to mentor activities over the course of the year (August-May).

Optional Mentor Activities

1. Attend year-end mentor appreciation reception

Wednesday, April 27, 2005
University of St. Thomas School of Law

Mark your calendar – details to follow.

2. CLE's, symposia, receptions and opportunities to attend other activities at the law school will be forwarded to all mentors as they are scheduled.

Personal and Professional Development Plans

All students must prepare a personal and professional development plan (PPDP) with his or her mentor. When the plan is complete, both the mentor and the student sign the plan. **Completed and signed plans are due Friday, October 1st, 2004.**

The purpose of a PPDP is two-fold:

1. to set an aspirational and individual threshold of professionalism;
2. to identify individualized learning goals for the year with respect to both experiences and topics for discussion.

The PPDP contains three parts:

1. Personal Ethics Mission (approximately 50 words)
An example might read: "As a member of the UST Law Community, I pledge to conduct myself in a manner that will reflect honor upon the legal profession...."
2. Setting Goals: Experiences (see Tab 6)
Student and mentor identify a minimum of two experiences to complete together during the year. An experience is any lawyering or judicial activity that allows direct observation of or participation in events or a particular activity. Experiences can be either observation focused or work focused.
3. Setting Goals: Topics for Conversation
Student and mentor identify two issues or topics to discuss.
Student and mentor can discuss:
 - A. An experience the student completed with the mentor or another lawyer or judge;
 - B. A template (see Tab 7);
 - C. An agreed-upon issue or area of the legal profession or the administration of justice.

Each student is encouraged to periodically review the PPDP with his or her mentor. Periodic review allows the pair to note progress as well as to identify goals that need continued attention.

Personal and Professional Development Plan (PPDP)

Student Name: _____Jane Justice_____

Mentor Name: _____Larry Legal_____

Initial PPDP (Due Oct. 1, 2004)

Revised PPDP

Personal Ethics Mission

As a member of the UST Law community, I pledge to conduct myself in a manner that will reflect honor upon the legal profession. I will draw on my faith values to uphold the integrity of the profession and to treat others with respect and dignity.

Set Goals to Attend Experiences with Mentor

Student and mentor identify a minimum of two (2) experiences to complete together (see Tab 5 for suggested experiences).

1. Attend a Mediation (#4)
2. Attend a Summary Judgment Motion (#6a)

Set Goals to Debrief/Discuss with Mentor

Student and mentor identify a minimum of two (2) issues or topics to discuss. Student and mentor can discuss: an experience, a template (see Tab 6 for a list of templates) or other agreed-upon professional issue.

1. Mediation Template
2. Life Balance Issues

Student Signature: _____*Jane Justice*_____ Date: ___9/14/04___

Mentor Signature: _____*Larry Legal*_____ Date: ___9/14/04___

Personal and Professional Development Plan (PPDP)

Student Name: _____

Mentor Name: _____

Initial PPDP (Due Oct. 1, 2004)

Revised PPDP

Personal Ethics Mission

Set Goals to Attend Experiences with Mentor

Student and mentor identify a minimum of two (2) experiences to complete together (see Tab 5 for suggested experiences).

Set Goals to Debrief/Discuss with Mentor

Student and mentor identify a minimum of two (2) issues or topics to discuss. Student and mentor can discuss: an experience, a template (see Tab 6 for a list of templates) or other agreed-upon professional issue.

Student Signature: _____ Date: _____

Mentor Signature: _____ Date: _____

Suggested Mentor Externship Experiences & Relevant Templates

The experiences listed below are approved mentor externship experiences. While the experiences are selected and organized to complement the law curriculum, they serve as examples of the various activities mentors and students can participate in together. Mentors are encouraged to expose students to the unique and distinct lawyering tasks and judicial activities of their professional work that are not otherwise outlined in this list.

First-year students are encouraged to focus on activities that augment the first-year curriculum: torts, property, civil procedure, lawyering skills, contracts, criminal law, and constitutional law (generally, experience numbers 1- 54). First-year students are also encouraged to observe and discuss activities that introduce them to the practice of law, the administration of justice, and the life of a lawyer or judge.

1. **Wild Card** – an experience *the mentor* would like the student to observe, not otherwise listed.
2. **Director Approved** – an experience *the student* would like to observe, not otherwise listed. A good faith effort should be made to have the experience approved in advance by the program director.
3. **UST Sponsored** – an experience organized by mentor externship and conducted on campus (i.e. the Minnesota Supreme Court).

Experiences that Apply to the Minnesota Law Community

4. Attend a meeting, or participate in, a Minnesota Supreme Court initiative, bar **initiative or task force** (i.e., Children’s Justice Initiative, Hennepin County Restorative Justice Initiative) or another branch of government (i.e., Health and Human Services) impacting the administration of justice.
5. Attend a **bar association** committee meeting, or board meeting.

Experiences that Apply to Multiple Areas of the Law Curriculum

6. A **deposition**.¹
 - A. Torts matter
 - B. Contracts matter
 - C. Property matter
 - D. Constitutional matter
 - E. Business/Corporate matter
 - F. Other _____

¹ See Deposition Template.

7. A **mediation**², court-ordered or voluntary
 - A. Torts matter
 - B. Contracts matter
 - C. Property matter
 - D. Constitutional matter
 - E. Business/Corporate matter
 - F. Other _____

8. An **arbitration**³, binding or non-binding
 - A. Torts matter
 - B. Contracts matter
 - C. Property matter
 - D. Constitutional matter
 - E. Business/Corporate matter
 - F. Other _____

9. A **legislative**⁴ hearing (i.e., floor debate or committee hearing)
 - A. Torts matter
 - B. Contracts matter
 - C. Property matter
 - D. Constitutional matter
 - E. Business/Corporate matter
 - F. Other _____

10. A **lobbying** activity
 - A. Business / Corporate matter
 - B. Health and Human Services
 - C. Property matter
 - D. Budget matter
 - E. Constitutional matter
 - F. Other

11. A **negotiation**,⁵ i.e., a discussion with the opposing party or counsel regarding resolution or issues that work towards resolution. See also Mediation, No 7.

12. A meeting, interview or fact gathering visit with a **witness**.

13. A meeting, interview or fact gathering visit with a consulting or testifying **expert**.

² See Mediation Template.

³ See Arbitration Template.

⁴ See Legislative / Committee Hearing Template; See Legislative / Floor Debate Template.

⁵ See Negotiation Template.

14. Any meeting between **opposing counsel**, the opposing party or the opposing party's representative.

Client Relations

15. A meeting, interview or fact gathering visit with a **potential client** or **existing client**.⁶

16. A **closing meeting** or exit interview with a client⁷.

17. Discuss various **billing practices**⁸ and the evaluation of services for clients; review several bills and discuss the pieces of information required for client review and payment.

Introduction to Trial

18. A **voir dire**.⁹

19. An **opening statement**.¹⁰

20. A **direct examination** of a witness at trial.

21. A **cross-examination** of a witness at trial.

22. A **closing argument**.

23. A **jury instruction** conference.

24. Observe a **jury focus group** conducted to prepare case strategies and themes for trial.

Pro Bono

25. Participate in and/or attend a **Pro Bono**¹¹ matter.

Pro Se

26. Observe a matter where one of the parties is a **Pro Se litigant**.

⁶ See Client Interviewing Template.

⁷ See Client Interviewing Template.

⁸ See Billing Template.

⁹ See Voir Dire Template.

¹⁰ See Opening Statement Template.

¹¹ See Pro Bono Work Template.

First-year Required Courses

Civil Procedure

27. Review or draft a **Summons, Complaint and Answer**; discuss the manner in which the pleadings were, or will be, served and filed; review jurisdictional issues and the meaning of Federal Rule of Civil Procedure 11 and Minnesota Statute §549.21.
28. A **scheduling/discovery**¹² conference.
29. A **pretrial**¹³ or **settlement**¹⁴ conference.
30. A **civil motion**
 - A. Dispositive (e.g., Summary Judgment, Rule 12)
 - B. Discovery (e.g., Motion to Produce Documents)
 - C. In Limine (e.g., Motion to Limit Evidence)
 - D. Other
31. Assist in the **electronic filing** of a federal claim.

Torts¹⁵

32. Attend a **case evaluation panel** on a torts case organized through the Minnesota Trial Lawyers Association.
33. Visit the scene of a disputed torts incident (**site inspection**) with the mentor; discuss theories and strategies for the case.
34. Review the **medical records** of an injured party or prepare a medical summary; identify issues regarding causation and damages and areas of cross examination.
35. Review a **demand letter** to a defendant / insurance carrier, and (1) identify the necessary elements of the claim, including the elements of damages, and (2) outline how the mentor will prove each element.

Criminal Law

36. A **first appearance / arraignment / bail hearing**, in-custody or out-of-custody.
37. A **sentencing hearing** in either federal or state court.

¹² See Scheduling/Discovery Conference Template.

¹³ See Pretrial Conference (Civil) Template.

¹⁴ See Settlement Conference Template.

¹⁵ See Torts Template.

38. A **criminal pre-trial / omnibus hearing**, contested or uncontested.
39. A “**drug court**” proceeding.
40. A **revocation** hearing.
41. A **motion** on a criminal matter.
42. Observe or participate in some aspect of an execution of a **search warrant**.

Contracts

43. Review and analyze litigation documents about a **disputed contract provision**¹⁶ and discuss the elements of the contract, the alleged breach, and the desired outcome for the client.
44. Review and analyze a draft of a **contract being negotiated**,¹⁷ and discuss the negotiation process.

Property

45. A **housing court**¹⁸ proceeding
Suggestions include:
 - Eviction action
 - Petition to escrow rent when repairs by landlord are not made or completed.
 - Tenant remedies acts
 - Lockout petitions

For scheduling, please visit www.courts.state.mn.us/districts/fourth and follow the “Housing Court” tab. You can also contact a senior court clerk at 612-348-5186.

46. A **land-use planning**¹⁹ or zoning commission meeting.
For scheduling, please contact a city council member.
47. Participate in or observe a **title search or closing**.²⁰
48. Observe an aspect of a state or federal **condemnation case** or reverse condemnation case and evaluate whether there is a taking.

¹⁶ See Contracts / Litigated Template.

¹⁷ See Contract Negotiation Template.

¹⁸ See Housing Court Proceeding Template.

¹⁹ See Land Use Planning Board or Zoning Commission Meeting Template.

²⁰ See Title Search or Closing Template.

49. Draft or review a **residential or commercial lease**.

50. Observe an aspect of, or review documentation pertaining to, **real property dispute**, such as an unlawful detainer action or partition action.

Constitutional Law

See experiences numbers six through 26 above.

Lawyer Skills I and II

51. Research and draft a **memo**.

52. Research and draft a **letter to a client**.

53. Draft a **civil motion**.

54. Draft a **criminal motion**.

Upper Level Required Coursework

Lawyering Skills III

55. An **appellate argument**²¹

Suggestions include:

- Workers' Compensation Court of Appeals.

For calendar information call 651-296-6526.

- Tax Court

Property Tax Appeals or Commissioner of Revenue Appeals

Court Calendar can be checked at

www.taxcourt.state.mn.us

- Minnesota Court of Appeals

The Court generally holds oral arguments from 9:00 a.m. – 1:00 p.m. during the week.

The court calendar can be checked at

www.courts.state.mn.us

- Supreme Court of Minnesota – The Supreme Court has seven sittings per month.

First week of the month, Monday – Thursday,

9:00 – 11:00 a.m., 2 cases each day.

Second week of the month, Monday – Wednesday,

9:00 – 11:00 a.m., 2 cases each day.

Court calendar can be checked at

²¹ See Appellate Argument Template; See Appellate Argument/ Contract Issue Template.

- www.courts.state.mn.us
- United States Court of Appeals, Eighth Circuit
Court calendar can be checked at
www.ca8.uscourts.gov
- United States Bankruptcy Appellate Panel
Court calendar can be checked at
www.ca8.uscourts.gov/newbap/bapFrame.html

Business Associations

56. Review with a **transactional lawyer** the type of work that he or she does, and examples of the documents he or she drafts (buy-sell agreements, securities offerings, sponsorship agreement, proxy solicitation, etc.).
57. Attend a **corporate strategy** meeting.
58. Discuss a **partnership agreement or certificate of incorporation** for a new business entity, including why the particular form of entity was chosen and any unique concerns of the parties forming the entity which are addressed by the agreement or certificate.
59. Review and discuss a **federal securities filing** for a public corporation (prospectus, Form 10-Q, Form 10-K, Form 8-K, etc.); discuss what information must be disclosed and why it is considered material for shareholders and potential investors to have this information.
60. Review and discuss a **proxy solicitation** for a shareholders' meeting; in addition, discuss how the regulations governing a solicitation sent out by the Board of Directors differ from one distributed either by or on behalf of a shareholder or group of shareholders; if possible, compare the solicitations sent out by the Board of Directors with one distributed by or on behalf of a shareholder or group of shareholders.
61. Compare an initial **acquisition agreement** with the final acquisition agreement in a past or current transaction; discuss how the client's concerns and negotiating strategy influenced the form of the initial agreement; discuss how the attorney assisted the client in developing the negotiating strategy for the deal.

Evidence

62. Observe oral argument on a **motion in limine** regarding an evidentiary issue for trial; review the briefs.
63. Outline three **evidentiary objections** raised at trial; evaluate and discuss whether the rulings were correct.

64. Identify the **standard of review** at an appellate argument and evaluate whether the outcome may be different applying a different standard.

65. Review a **deposition transcript of an expert witness**.²² Discuss the basis for the objections raised in the transcript and whether the judge reached the correct ruling.

Jurisprudence

66. Review with a judge, referee or administrative law judge the **drafting of a judicial opinion**.²³ Discuss which jurisprudential school of thought the opinion embraces. Does the law seek to accomplish a moral good?

67. Review with your mentor recent case law involving **judicial elections** and the right to vote. Discuss judicial independence. How far does the right to vote extend? Should judges be elected?

Professional Responsibility²⁴

68. Attend a **public disciplinary hearing** for a lawyer.
- For scheduling, please contact the Lawyer's Professional Responsibility Board at 651-296-3952.

The Minnesota Supreme Court also hears public disciplinary hearings.

69. Attend a brown bag monthly lunch with the Hennepin County **Professionalism Committee**.²⁵ For scheduling, please contact the Hennepin County Bar Association at 612-340-0022 or www.hcba.org.

Federal Income Taxation

70. Write a **protest of an IRS determination** and evaluate the merits of the case.

71. Review a Judgment and consider each of the **federal and state tax consequences** of the damage award from both the payor and the payee's point of view.

72. Interview a **non-profit fundraising** person and find out how much of the solicitation involves a discussion of tax consequences.

²² See Expert Witness Deposition Template.

²³ See Drafting Judicial Opinions Template.

²⁴ See PR/Ethics Template.

²⁵ See Professionalism Template.

Upper Level Elective Coursework

Administrative Law

- 73. Observe a **contested case** before an administrative law judge.
- 74. Observe a **formal adjudication** before a federal administrative law judge.
- 75. Observe a **rulemaking hearing** before an administrative law judge.

ADR

See also mediation (No. 7) and arbitration (No. 8).

- 76. Observe a **summary jury trial**.
- 77. Compile **evidentiary documents for an arbitration**, and assist in preparing materials for an arbitration.
- 78. Draft a confidential memo or **letter to a mediator** in preparation for a mediation.

Bankruptcy

- 79. Attend a **motion for relief from an automatic stay**.
- 80. Attend a **first meeting of creditors**.
For scheduling, contact the United States Trustees offices in either St. Paul or Minneapolis.

Client Interviewing and Counseling

See Client Relations numbers 15, 16, and 17.

Credit and Payment Devices

- 81. Observe a client interview by a public service attorney or a pro bono attorney representing a borrower in a case **involving a delinquent loan**.²⁶
- 82. Interview an **in-house corporate lawyer**²⁷ about the types of payment systems the corporation uses in transacting its business.

Employment Law

- 83. Attend an **unemployment compensation hearing**.

²⁶ See Credit and Payment Devices / Delinquent Loan Template.

²⁷ See Credit and Payment Devices / Interview with In-house Lawyer.

84. Draft an **EEOC / MDHR charge of discrimination**.

85. Attend **Union grievance arbitration**.

86. Attend a **Veterans preference hearing**.

87. Attend a **Lowdermill hearing**.

Estate Planning²⁸

88. Draft a **basic will** for a young couple with two minor children with a home in Minnesota, and a condo in another state; discuss and analyze with a mentor the issues and options to address with the client.

89. Review a **revocable living trust, durable power of attorney and healthcare directive**; discuss and analyze with a mentor the issues and options to address with the client.

Ethical Leadership in Corporate Practice

90. Attend a **board of directors meeting**²⁹ for a for-profit or non-profit corporation or other business association. Outline the issues that involve legal matters and evaluate the relationship between the corporation and its legal counsel.

Family Law

91. Observe any proceeding in **Family Court**.

Suggestions include:

- Domestic abuse hearings
- An order for protection hearing
- Harassment hearings
- Post-decree motions (i.e., child support modification hearing, maintenance modification hearing, custody modification hearing and parenting time modification hearing)

For scheduling information in Hennepin County call 612-348-6734.

Immigration

92. Attend an Immigration Court Master Calendar Hearing ("**MASH**")

- Detained and non-detained hearings are on Tuesday and Thursday mornings.

93. Attend an Immigration Court **Individual Hearing**

²⁸ See Wills, Estates and Trusts Template.

²⁹ See Ethical Leadership in Corporate Practice Template.

- Detained hearings are on Tuesday and Thursday afternoons by appointment.
- Non-detained hearings are on Monday, Wednesday and Friday by appointment.

94. Attend a **pre-hearing client interview** for detained docket.
- Tuesday and Thursday morning by appointment.

95. Attend a **naturalization ceremony**.

96. Attend a video hearing, either MASH or individual, for **incarcerated aliens facing deportation**.

Intellectual Property

97. Review a **patent file history and issued patent**; make a comparison to the current marketplace.

98. Review a **trademark application** and the applicable history.

99. Attend a meeting with the inventors and the lawyers involved in writing a **patent application**.

Juvenile Law

100. Observe any proceeding in **Juvenile Court**.
For scheduling information in Hennepin County
call 612-348-4822.

101. Observe a **termination of parental rights** trial.

Land Use Planning

102. Create a town home/condo **homeowners association**.

103. Draft/review **declaration/bylaws for association**.

104. Draft **association lien notice**.

105. Foreclose **association lien/mortgage** by advertisement.

Native American Law

106. Observe an aspect of a trial or hearing in **Tribal Court**.

107. Attend a **gaming commission meeting**.

108. Assist a person in applying for **Tribal membership**.

Real Estate Development

109. Conduct a **tract search** at the County Recorder's office.

110. Review an **abstract of title**.

111. Write a **title opinion**.

112. Issue a **title insurance commitment/policy**.

113. Draft/review a **residential purchase agreement**.

114. Draft/review a **commercial purchase agreement**.

115. Draft **sellers/buyers closing documents**.

116. Cancel a **contract for deed/purchase agreement**.

117. Create a **limited liability company to hold real estate**.

Small Firm Practice

118. Review the **various administrative roles** of a solo or small firm practitioner. Discuss the aspects of an IOLTA trust account, maintaining records and books, filing taxes and the business formation of the firm.

119. Review the **file management** system of a solo or small firm. Discuss policies related to client documents, retention, and the organizational structure of the files.

State and Local Government

See also Legislative Activity (No. 9) and Lobbying Activity (No. 10).

120. Attend a **County Board of Commissioners** meeting.

Trial Advocacy

121. Prepare a set of **jury instructions**.

122. Prepare a **special verdict form**.

123. Prepare a **trial memorandum**.

124. Prepare **questions for voir dire**.

UCC/Sales

125. Review a contract for the **sale of goods**; discuss and analyze the various risks to each party under the terms and provisions of the contract; discuss how risks are communicated to the client.

126. Observe an aspect of **litigation involving breach of warranty**.³⁰

127. Review and analyze the contractual issues raised by a sales **transaction conducted electronically**,³¹ either being negotiated or in dispute.

128. **Review a warranty** disclaimer from a particular sales contract either under negotiation or the subject of a past negotiation, and discuss the disclaimer with a transactional lawyer.

Wills, Estates and Trusts I

129. Review the drafting principles of a **will or trust instruments**.

130. Draft deed / documents **transferring property from probate**.

Wills, Estates and Trusts II

131. Review with a trustee the issues surrounding the continuing **management of a charitable** or other type of trust.

132. Draft deed / documents **transferring property to trust**.

Workers' Compensation

133. Attend a **239 Conference**.

134. Attend a **medical or rehabilitation conference**.

135. Draft/review a **Notice of Intent to Discontinue or Petition to Discontinue**.

³⁰ See Sales-Warranty Disclaimer Template.

³¹ See Sales–Transaction Conducted Electronically Template.

UST LAW MENTOR EXTERNSHIP

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Voir Dire Template
Wills, Estates and Trusts Template

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Associate Dean Neil Hamilton, Professor Patrick Schiltz, Professor Elizabeth Schiltz,
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UST LAW MENTOR EXTERNSHIP
Appellate Argument Template

1. What assumptions do attorneys seem to be making about the judges' knowledge of the facts and the law? Do these assumptions seem to change as the argument progresses and the judges ask questions? What balance do the attorneys strike between an advocate's duties to both educate and persuade the judges?
2. If the judges asked questions, what do these questions reveal about the judges' opinions about the law or facts? What do these questions reveal about the judge's jurisprudential school of thought? How well do the attorneys use these questions to help their cases? Compare the depth or detail of the answers to the judges' questions to that of the attorney's arguments generally.
3. What role do speaking ability and forensic performance skills seem to play in whether the attorney's arguments are persuasive? In the argument observed, does the attorney with the more persuasive or polished argument style make up for weak substance, or not? Do the judges react differently to the weaker advocate?
4. How do the attorneys treat each other's arguments? How do they refer to each other in argument? What tone or attitudes do they project towards the other side? How do the students and the judges react to that tone or attitude?
5. Did oral advocacy add anything to the judges' understanding of the case? Could the substance have been just as effectively presented in the written appellate briefs?
6. After observing the argument, what impressions are you left with regarding the attorneys' credibility and competence? Upon what factors is that impression based? Was there anything in the arguments that seemed to go beyond the reasonable bounds of advocacy?

UST LAW MENTOR EXTERNSHIP
Appellate Argument / Contract Issue Template

7. Was the contract oral or written?
8. Was the entire business relationship between the parties captured in one contract? Did aspects of their relationship extraneous to the specific contract at issue seem relevant to the arguments presented?
9. Did the contract involve parties with equal bargaining power?
10. Does it appear that the parties involved actually bargained over the issue that was being litigated? Was the contested issue directly addressed in the language of the contract?
11. Was there any evidence of the parties' actual intent with respect to the disputed issue introduced in argument? What sort of evidence was it, i.e., deposition testimony about conversations, or actions taken in reliance on the contract?
12. What type of contract principle was at issue in this case: consideration, formation, interpretation?
13. What types of legal authorities were presented to support the arguments of the litigants: statutes, case law, sections of the Restatement (Second) of Contracts, or treatises?

Authored by Professor Elizabeth Schiltz

UST LAW MENTOR EXTERNSHIP Arbitration Template

1. Did the litigants agree to have their dispute resolved through arbitration or was the arbitration court-ordered? Was the arbitration binding or non-binding? If the arbitration was binding, what constitutional rights do the parties waive in a binding arbitration? How is the legal impact of binding arbitration communicated to the client?
2. How was the arbitrator selected? Who paid the arbitrator's fee and how much was it?
3. Did the arbitrator appear neutral? What was the arbitrator's role? What responsibility, if any, does an arbitrator have in making sure the evidence is properly submitted? For example, if the arbitrator "assists" the attorney in asking the appropriate foundational questions to elicit expert witness testimony, will the arbitrator be perceived as an advocate? If the arbitrator does not assist in asking the proper questions, will the parties receive a fair hearing?
4. How does arbitration differ from a jury trial procedurally? How are the two proceedings similar? Do the attorneys take testimony during arbitration the same way they would during a jury trial?
5. What are the advantages and benefits of arbitration? What are the disadvantages?
6. What documentation did the attorneys submit to the arbitrator to support the claim?
7. How long did the arbitrator have to decide the claim? What was the result? Did the result seem fair?
8. What if one of the litigants does not like the outcome of a binding arbitration? Can a litigant appeal an award of arbitrator?

UST LAW MENTOR EXTERNSHIP
Balance Template

Questions to ask your mentor or another lawyer:

1. What specific activities do you plan in order to achieve balance in such a demanding profession? Do you plan for personal time? Do you need to?
2. What limits do you set on your work in order to prevent over-working and/or burnout?
3. Do you regularly prioritize the different demands on your time? How do you determine order of priority, and what factors play a role in that determination—urgency, immediacy, overall importance?
4. What roles define you as a person: e.g., parent, volunteer, sibling, spouse, professional, golfer, etc? What roles are the most important to you? Do your “most important” roles receive the greatest amount of time and attention? If not why not?
5. What do you do to keep a healthy perspective in the face of a highly difficult/demanding work load, pressure to bill a certain number of hours, client needs, etc.?
6. Does your employment setting promote a healthy balance and lifestyle? How?

UST LAW MENTOR EXTERNSHIP
Billing Template

1. What are the most important skills a lawyer can develop in order to bill his or her time accurately, honestly and fairly?
2. What are the conflicts that arise around the issue of effective representation vs. financial limitations of the client?
3. What ethical issues most commonly cause tension in the billing process?
4. What are generally accepted fee schedules for new associates? Senior associates? How are billing rates determined? What factors are considered?
5. What are the various billing methods used by lawyers: flat rate, hourly sliding scale?
6. How much of the mentor's work is prioritized by the client's ability to pay?
7. Are there explicit or implicit expectations to bill a certain number of hours in the mentor's work environment?
8. Does the pressure of billable hours affect your thought process or work in general?
9. How are the hours recorded: paper, dictation or electronically? Who reviews the bills before they are sent to the client?
10. How often do clients question a bill? How does the mentor or lawyer respond to such client inquiry?
11. How detailed do the billing statements need to be?
12. What percentage of the mentor's billings goes uncollected?

UST LAW MENTOR EXTERNSHIP
Client Interviewing Template

1. How did the attorney prepare for the client interview? How much time did it take? What additional preparation would have been helpful?
2. What is the client's purpose in obtaining legal advice? How did the attorney define or clarify this purpose during the interview? Do you think the attorney assisted the client to think through all the dimensions of the client's problem?
3. Discuss the beginning of the interview. How was the opening appropriate or not appropriate for the circumstances? Did the attorney attempt to make the client more comfortable or less anxious? Were his or her attempts successful?
4. When did the attorney educate the client on attorney-client confidentiality? What other general issues did the attorney need to explain to the client? How and when were these issues explained?
5. Evaluate the attorney-client relationship established through the interview. Discuss the emotional, educational and contractual elements of the relationship. How was each element present in the interview?
6. How did the attorney gather the facts of and information about the case? What questioning strategies did he or she utilize? Were they successful? Did the attorney define the "scope" of the representation?
7. How were the client's memory, perception and state-of-mind important to the interview? What strategies or techniques did the attorney use to get accurate information from the client?
8. Was the fee agreement discussed during the interview? How and when did the attorney introduce this subject? Was the fee arrangement negotiated between the attorney and the client or presented by the attorney and accepted by the client? Was an engagement letter signed? Was a retainer required? Discuss how the attorney handled this discussion and the advantages and disadvantages of his or her approach.
9. Discuss the closing of the interview. How did the attorney let the client know what would happen next? Do you think the client was comfortable and understood the next steps in the process?
10. What ethical issues came up during the interview? How did the attorney and the client handle them?

UST LAW MENTOR EXTERNSHIP
Contract Negotiations Template

9. How much of the drafting work consisted of composing original language, and how much consisted of adapting form contracts?
10. Were there any contractual issues that the client hadn't considered, that the lawyer was able to warn the client should be addressed?
11. Were there any issues that the lawyer brought up that the client decided she would rather not address directly in the contract?
12. What issue in this deal does this lawyer think is most likely to lead to litigation in the future? How is this issue addressed in this contract?
13. How carefully does the lawyer think her client is reading the drafts of the contracts during the negotiation process?

UST LAW MENTOR EXTERNSHIP
Contracts / Litigated Template

1. Was the contract oral or written?
2. Was the entire business relationship between the parties captured in one contract? Do aspects of their relationship extraneous to the specific contract at issue seem relevant to the case?
3. Did the contract involve parties with equal bargaining power?
4. Does it appear that the parties involved actually bargained over the issue that was being litigated? Was the contested issue directly addressed in the language of the contract?
5. What sorts of evidence of the actual intent of the parties with respect to the disputed issue has been gathered? What will be introduced in court?
6. What type of contract principle was at issue in this case: consideration, formation, interpretation?
7. What legal arguments can you think of to support the position of the client represented here?

Authored by Professor Elizabeth Schiltz

UST LAW MENTOR EXTERNSHIP
Credit and Payment Devices / Delinquent Loan Template

1. What is the interest rate on the loan? Did the interest rate change over the course of the loan?
2. What happens under the loan contract if the borrower is late in making a payment?
3. What happens under the loan contract if the borrower wants to pay the loan off early?
4. Where was the borrower when she signed this loan contract: in her home, in the lender's office, in a store?
5. Did the borrower compare the interest rate on this loan to interest rates on comparable loans offered by other lenders? Could this borrower have gotten this loan from any other borrower?
6. Did the borrower understand the terms of this loan when he borrowed the money? How do you know? Did the lender make any attempt to determine this?
7. Do the terms of this loan or the circumstances of the transaction violate any law?

Authored by Professor Elizabeth Schiltz

UST LAW MENTOR EXTERNSHIP

Credit and Payment Devices / Interview with In-House Lawyer Template

1. What percent of the corporation's bills are paid by cash, check, credit card, electronic fund transactions, letters of credit, promissory notes, or by securitization? What considerations dictate which form of payment is used?
2. What sorts of payment devices does the corporation accept from the people who owe it money? What considerations dictate which forms of payment are accepted?
3. Has the corporation ever been the victim of fraud in a payment device used by its customers? If so, what was the resolution of that incident?
4. How does the corporation protect itself from embezzlement by its employees who are authorized to pay bills for the corporation?

Authored by Professor Elizabeth Schiltz

UST LAW MENTOR EXTERNSHIP
Deposition Template

1. Do depositions seem to be an efficient way for the parties to get information from witnesses?
2. What does a deposition offer that written interrogatories or informal interviews do not?
3. What is more difficult: taking a deposition or defending a deposition? Why?
4. What are the two or three most important things to remember in preparing to take a deposition?
5. Can you raise objections if the witness is not your client? When and under what circumstances?
6. What are the most common abuses that occur at depositions? How effective are the formal rules – such as Fed. R. Civ. P. 30(d)(1)(requires objections to be “stated concisely and in a non-argumentative and non-suggestive manner) or Fed. R. Civ. P. 30(d)(3)(permits courts to impose sanctions for “any impediment, delay, or other conduct [that] has frustrated the fair examination of the deponent”) – at curbing such abuses?
7. Is the only goal or objective of taking a deposition to gather facts? How are depositions used at trial?
8. If the attorney could change any of the rules governing the conduct of depositions, what rule would he or she change? Why?

UST LAW MENTOR EXTERNSHIP
Drafting Judicial Opinions / Judicial Administration Template

1. How are the cases assigned? For district court judges, what type of administration system is utilized in the judge's district? Does it vary by district?
2. What process does the judge follow in researching the legal issues involved and writing the opinion? What can the judge consider in deciding the outcome of a hearing?
3. How important are deadlines for Lawyers? What happens if a lawyer misses a court deadline?
4. Whose voices are involved in the journey from hearing to written opinion?
5. How often does the judge responsible for the opinion consult other judges, law clerks, or court staff?
6. What other court employees are involved in judicial administration, and what are their roles in maintaining efficiency and quality within the individual court and the court system?
7. In what ways are financial concerns involved in the administration of cases on a day-to-day basis? Does every judge have a law clerk? An administrative clerk?
8. How and in what ways do personal and professional biases affect the effective administration of justice?

UST LAW MENTOR EXTERNSHIP
Ethical Leadership in Corporate Practice Template

1. Who is the mentor's client? How does the client define the lawyer's objectives?
2. To what degree do lawyers in corporate practice give independent judgment to the client? Does the lawyer give just technical legal advice?
3. What if the corporate officer does not follow the lawyer's advice?
4. How is a corporation's culture established? What role does corporate counsel, whether in-house or outside counsel, play in building or maintaining a corporation's culture?
5. If corporate ethics and corporate culture are a "top down" phenomenon, how do lawyers best assist senior managers and board members in developing the vision and culture of a company and its employees?
6. It is likely that in the minds of many lawyers and classically trained business executives, the first question asked or filter applied to any decision is whether or not the proposed action is lawful. Should the first filter instead be to ask whether or not the action is ethical and then proceed with the analysis of legality once it has been determined to be the right thing to do? If the first filter is legality, does it lead to poor decision making because lawful conduct is subsequently rationalized as being ethical? In other words, does an initial legal analysis tend to short-circuit or obscure the consideration of ethical factors?
7. Edmund Burke once said "All that is necessary for evil to triumph is for good men to do nothing". What role do lawyers play in demonstrating "moral courage" in connection with corporate decision making? Is the courage to force explicit recognition of ethical issues one of the values counsel brings to the corporate decision making process? What positive and negative influences operate in this regard when a lawyer is an in-house counsel versus an outside attorney?
8. Time and again we see institutions trying to shield themselves from misconduct by erecting barriers instead of reforming or eliminating bad actors. Yet the NYSE Corporate Accountability and Listing Standards Committee has observed "No code of business conduct or ethics can replace the thoughtful behavior of an ethical director, officer, or employee". Would you agree that in the end, the best defense against corruption is more virtue, not more rules? If not, why not? How do we set about creating more virtue and what role do lawyers play in imparting or teaching core virtues such as truth-telling and promise-keeping?

Authored by Professor Neil Hamilton

UST LAW MENTOR EXTERNSHIP
Expert Witness Deposition Template

9. What did the lawyer review to prepare for the deposition?
10. What did the expert review to prepare for the deposition? Are the documents the expert reviewed to prepare for the deposition discoverable by opposing counsel?
11. Did the attorney prepare an outline of topics or questions to cover during the deposition? Did the attorney rely on the outline?
12. Did the attorney have the opportunity to meet with the expert prior to the deposition? For what purpose?
13. What was the purpose of the deposition? Why was the expert hired? What special knowledge does the expert have?
14. How was the expert located and selected?
15. What are the costs associated with the deposition? With the expert's time? Who pays the costs?
16. What does Fed. R. Civ. P. 26(a) say about disclosing information regarding expert witnesses?
17. Did the expert prepare a report prior to testifying? Was the report provided to the other parties to the lawsuit?
18. Does the expert have the opportunity to review the deposition transcript for accuracy? When and how is this accomplished?
19. Are all expert witnesses who are expected to testify at trial subject to deposition prior to trial? Do the state rules and the federal rules differ? If the expert is not deposed prior to trial, how do the parties discover the facts known and opinions held by the expert?
20. How did the attorneys lay the proper foundation?
21. What objections were raised? Were the objections proper? What was the basis for the objection?
22. Did the attorneys thoroughly explore the opinions of the expert? Could additional questions have been asked of the expert?
23. Did the attorneys thoroughly explore the background (education, experience, scholarship, etc.) of the expert? Why is background relevant to the finder of fact?

UST LAW MENTOR EXTERNSHIP
“Fostering Professional Ideals: Can the Law Schools and the Profession Do Better?”
Template

9. The law school experience begins a process of socialization into what the profession honors and values. Some scholars believe that the new law student is largely socialized after the first year. Based on their experience, what principles and qualities do the law students think the law school culture and the culture of the profession most honor and value? Are the espoused ideals different from the reality the student is experiencing?
10. Based on their experience, how do mentors answer the same question? What messages do the law firms and law departments send about professional ideals and what is most important in the practice of law?
11. Among the ideals our profession strives to achieve, where do we have the most room for improvement? What could be done specifically to reduce the gap between the espoused ideal and the reality of the practice?
12. In terms of the gap between professional ideals and practice reality, what can we learn from Enron, WorldCom and other current instances of corporate wrongdoing and the role of lawyers in these events? How can we reduce the gap? Is it a matter of more rules?
13. The Preamble to the Rules calls lawyers to be a representative of clients, an officer of the legal system and a public citizen having a social responsibility for quality of justice. Are all three of these roles actually realized in the practice? Do zealous advocacy and the money that rewards it dominate the other two roles? If so, can that be remedied?
14. Do mentors and law students see the practice of law as a calling? What does that mean? How could the law schools and the profession encourage actually living this approach to the practice?

Authored by Associate Dean Neil Hamilton

UST LAW MENTOR EXTERNSHIP Grades and the Profession Template

15. In order to be competent at our profession, a lawyer must have both sufficient doctrinal knowledge of the major fields of substantive law and procedural law and fundamental lawyering skills. The 1992 ABA MacCrate Report lists the fundamental lawyering skills as: Problem Solving; Legal Analysis and Reasoning; Legal Research; Factual Investigation; Communication (written and oral); Counseling; Negotiation; Litigation and ADR Procedures; Organization and Management of Legal Work; and Recognizing and Resolving Ethical Dilemmas.
- a. What do your grades in law school tell you about your progress in learning the necessary doctrinal knowledge and fundamental skills to practice law?
 - b. What does a "C" mean in this context? A "B"? An "A"? What about a grade below a "C"?
16. The MacCrate Report lists the following fundamental professional values for the practice of law: Provision of Competent Representation; Striving to Promote Justice, Fairness and Morality; Striving to Improve the Profession; and Professional Self-development. What do grades tell you about your progress in learning those fundamental values?
17. Do you know the grades and class rank of your dentist? Your doctor? Your priest or minister? If not, what does that tell you? Why do you go back to them? Do you think a doctor who graduated in the bottom half of the class can provide you the help you need? What are the skills or virtues that lead you to trust your doctor, dentist or clergy? Are they applicable in our profession?
18. Are grades simply a ranking device to tell employers your capability at certain skills and knowledge relative to others? Do grades provide any information for your own life choices? For example, if you received lower grades in college in the sciences or math, did that result give you any useful information for your own life choices?
19. Why do the larger firms emphasize grades and class rank so much?
20. Does the culture that we (your class and the professors) are developing honor each person as a whole person for the contribution that each can make? Are we finding a path where we can honor both academic achievement and other contributions?

Authored by Associate Dean Neil Hamilton

UST LAW MENTOR EXTERNSHIP
Hennepin County Professionalism Committee Template

1. Talk to one of the committee members of the meeting. What is the mission of the committee? What are the goals of the committee? Are they different?
2. Did the discussion at the meeting address ways in which lawyers can prevent ethics violations?
3. Who are the members of the committee and how are they selected? Is there a screening process?
4. Does the committee address current issues and trends in the profession?
5. Do the discussions strictly focus on the rules? Do the discussions address professional aspirations?
6. Is the committee successful in obtaining its stated goals and furthering its mission?

UST LAW MENTOR EXTERNSHIP
Housing Court Proceeding Template

1. Was the action initiated by the tenant or the landlord? For what reason? What steps did the complaining party take to initiate the proceeding?
2. Were one or both parties represented by attorneys? If not, how did the lack of attorney representation impact the proceeding, if at all?
3. What role, if any, did a written or oral lease play in the proceedings? Were any parts of the lease (contract) in dispute?
4. What type of settlement attempts were made prior to the housing court trial? Discuss the bargaining power of each party and how that might have impacted the possibility of settlement.
5. Was the case heard by a judge or a referee? What is the difference?
6. Was an ERTA (Emergency Remedy Tenant Action) involved in this case? Explain the purpose of an ERTA.
7. What public policy issues and/or social justice issues did you think about while observing housing court? What types of action could be taken to mitigate the problems that cause people to end up in housing court? Who should be taking action?
8. What legal steps must a landlord take to evict a tenant? What can a tenant do to avoid eviction?
9. How are housing court proceedings different than other court proceedings that you have observed?
10. What is the Implied Warranty of Habitability? What remedies does a tenant have for a landlord's breach of the Implied Warranty of Habitability? Was this principle an issue in the proceeding you observed?

UST LAW MENTOR EXTERNSHIP
Integration of Faith in Work Life Template

1. What roles does faith play in the mentor's daily work as an attorney or judge?
2. Does faith affect decisions on: What clients to take? What type of law you focus on? Your methods of practice? Your methods of counseling? Written opinions?
3. Is faith life solely personal and private within the mentor's work environment, or is there explicit discussion of the role of faith and individual and collective morality?
4. Does the mentor engage in pro bono work as an expression of his or her theology of service?
5. What role does faith play, if any, in the mentor's interaction with clients? What if the mentor knows the client a person of strong faith commitments?
6. How, if at all, is your faith at odds with the pressures, expectations, or realities of the profession?
7. How do you integrate your personal faith and morality and the reality of your work environment or the profession in general?

UST LAW MENTOR EXTERNSHIP
Land Use Planning Board or Zoning Commission Meeting

1. Describe the Board or Commission. Who are the members? Who appointed them? How long are their terms? What are their responsibilities? What are the powers of the Board or Commission?
2. Describe the applicants or interested parties at the meeting. Were they citizens, companies, other governmental bodies, etc.? Were they represented by attorneys? What were their goals?
3. Was an attorney present to advise the Board or Commission? What was his or her role in the meeting?
4. How was public comment structured? Was there a time limit? Who could testify? Who testified or spoke to the Board/Commission about the issues? What other principles were evident in the testimony? Did these principles noticeably impact the decision-making body?
5. If possible, get or review a copy of the governmental unit's comprehensive plan. When was it written? Who was involved in writing it? What can you infer about the local unit of government from its comprehensive plan? Was the applicable comprehensive plan discussed during the meeting?
6. Explain the relationship between the comprehensive plan and the zoning ordinance.

UST LAW MENTOR EXTERNSHIP
Legislative/Committee Hearing Template

1. What are the roles of the following individuals: chair, committee members, staff, lobbyists, the public or other interested parties?
2. How was the committee convened?
3. Are minutes generated from the meeting? How is the discussion preserved and why?
4. What was the issued debated? Was the issue fairly represented by all prospective stakeholders?
5. To what extent did the debate appear “political?” Did the substantive elements of the issues receive the appropriate focus and attention?
6. Did the outcome appear to be reflective of the issues raised in the discussion? Do you think the outcome was appropriate?
7. What was the purpose of the questions asked? To gather facts? To set the stage for further discussion?
8. If you observed the chair and the senior members of the committee before and after the hearing, what happened?
9. How do the lobbyists connect with committee members?
10. What role did the media play, if any?

UST LAW MENTOR EXTERNSHIP
Legislative / Floor Debate Template

1. How did the issue get to the floor? What is the relevant history of the issue before the legislature?
2. What rules govern the floor debate? Are the rules followed? What happens if they are not? What are Mason's Rules?
3. Is there a time limit to an individual's comments or the debate?
4. What is the role of the following individuals: Speaker, Majority Leader, Minority Leader and Chief Clerk?
5. Was the issue thoroughly explored?
6. What was the outcome of the debate?
7. Did the "process" seem fair?
8. How was the vote taken? What was the outcome? Do you agree with the outcome?
9. What role did the media play, if any?

UST LAW MENTOR EXTERNSHIP
Mediation Template

1. What is the role of the mediator? Did the mediator explain his/her role to the litigants?
2. How was the mediator selected? Did the parties agree on a mediator or was the mediator appointed? If the mediator was agreed to by the parties, what factors did the mentor consider in selecting the mediator?
3. What is the experience of the mediator? How important is his/her experience in establishing credibility and trust?
4. Did the mediator separate the parties or keep the parties together? What are the advantages and disadvantages to those methods for mediation?
5. Was the mediator licensed or certified? What are the requirements of licensure or certification? Was it important or irrelevant to the process that the mediator hold those credentials?
6. Did the mediator require the parties to sign a mediation agreement? What did the mediation agreement outline? Did the mediation agreement address ethical issues? What were they?
7. What did you find interesting or surprising about the way the mediation unfolded?
8. How involved was the client? Who seemed to be making the decisions?
9. State statutes address confidentiality in the mediation process. What rules governed confidentiality during the mediation you observed? Did the mediator review the rules of confidentiality before or during the process? Did the rules adequately allow the parties to talk openly with the mediator while protecting the client's interests?
10. Was the mediation successful? What factors contributed to the success of the mediation?
11. What was the cost of the mediation? Who covered the cost of the mediator?

UST LAW MENTOR EXTERNSHIP Mission and Vision Template

General Questions

1. What does the UST Law mission and vision mean to you? Why is the UST Law mission and vision statement important?
2. Do we, as a community, have diverse interpretations of the UST Law mission and vision? What are the interpretations within your faculty peer mentor group?
3. How can we as a law community better realize the mission?
4. How does a student "live the mission" after law school?

Possible Questions for the Faculty Mentor

1. How does the faculty mentor seek to realize mission?
2. How important is the mission to UST Law faculty, staff and administration?

Possible Questions for your Mentor

1. How does the mentor understand the UST Law Mission?
2. Does the mentor have suggestions on how UST Law can do better?

UST LAW MENTOR EXTERNSHIP
Negotiation Template

1. What role does negotiation play in the mentor's practice?
2. What are the preferred methods of communication for the negotiation process: phone, in-person, e-mail, or letter? Are there advantages and disadvantages to the various methods of communication?
3. How involved was the client in the negotiation process? How did the mentor prepare the client for a negotiation?
4. From a procedural standpoint, when is negotiation appropriate?
5. How did the mentor and the client decide the following:
 - a. whether the client should participate in the negotiations?
 - b. what the client is trying to accomplish through the negotiations as well as what you expect the other side is trying to accomplish through the negotiations?
 - c. what should be "on the table" at the negotiations?
 - d. whether to make/accept a settlement proposal?
6. When the other attorney asks for information you don't want to disclose, how do you respond in a way that protects your client's interest but also allows you to retain your integrity and credibility?
7. What advice does the mentor have for a law student to help him/her better prepare himself/herself for the extent to which negotiations will play a role in his/her practice?
8. After observing the negotiation, what did you find interesting about the way the negotiations unfolded?
9. Does the mentor have a different negotiation style with different individuals? What are the factors that determine how the mentor will proceed?
10. Was the negotiation successful? Why or why not? If yes, how long was the process?
11. Was the negotiation an efficient way of reaching a mutually acceptable agreement? Why or why not?

UST LAW MENTOR EXTERNSHIP

Opening Statement Template

1. Describe the communication style of the attorneys. Did they use notes? Did they use a lectern? Did they appear to believe in the case? How did the jury seem to react?
2. Did opposing counsel raise any objections during the opening statement? On what ground? Did the judge sustain or overrule the objection?
3. How did the opening statement convey the theory of the case? When was it conveyed? Was the theory of the case repeated? Was it presented in a way easily understandable to jurors?
4. Evaluate the first minute of the opening statement. What type of first impression did it leave with you? What was communicated during this first minute?
5. What themes were communicated during the opening statement? Were they effective? Why or why not?
6. Outline the contents of the opening statement. Which of these issues were introduced and/or discussed during the opening statement: parties, scene, instrumentality, issue, what happened, basis of liability/nonliability or guilt/nonguilt, anticipation and refutation of other side's theory, damages?
7. How long was the opening statement? Did the jurors remain attentive the whole time? In your opinion, was it too long, too short or just right?
8. How did you feel about the case at the conclusion of the opening statement? If you were a juror, would you be interested and perhaps excited about hearing the evidence? If you were a juror, what questions about the case would you have after listening to the opening statement?
9. Talk with your mentor or another attorney about the importance of opening statements. What does he or she think are the most important things to consider when writing and delivering an opening statement? What are the do's and don'ts? What type of preparation is necessary to deliver an effective opening statement?

UST LAW MENTOR EXTERNSHIP
Pretrial Conference (Civil) Template

1. Was the pretrial conference requested by one of the parties' or ordered by the court? What was the purpose of the pretrial? Did the judge require certain individuals to attend?
2. How did the judge's skills and personality impact the conference?
3. Was settlement discussed at the conference? Were any new offers or demands made by the parties? Why hadn't settlement occurred prior to this point? How did the judge address the issue of settlement?
4. Were the attorneys adequately prepared for the conference? How could you tell? What type of preparation is necessary for a pretrial conference? How did their preparation or lack thereof impact the conference?
5. What lawyering skills were helpful or necessary? How did the attorney's skills or lack thereof impact the conference?
6. Was discovery in the case complete at the time of the pretrial? If not, did this impact the position of the parties at the pretrial?
7. Discuss the plans for trial. Are they adequate? To what degree will the plans made at this conference expedite the disposition of the issue? Did the judge issue a pretrial order?
8. Review the Minnesota Rule of Civil Procedure 16.03 – which of the listed "subjects for consideration" were addressed at the pretrial conference? Are there subjects listed in the Rule that were not addressed at the pretrial conference that you think deserved attention at the conference?

UST LAW MENTOR EXTERNSHIP
Pro Bono Work Template

1. How important is pro bono work to the mentor's legal employer? To the community as a whole?
2. How significant is pro bono work to the practice of law? Why? Can the profession do better? How?
3. What are the mentor's motivations for doing pro bono work?
4. How does the mentor's firm/organization encourage its attorneys to take pro bono cases?
5. Is there a conflict between billable work and pro bono work? What takes priority and what are the factors considered? How are such conflicts resolved, both personally and organizationally?
6. What types of pro bono work does the mentor do and how did he or she get involved in that specific work? What type of pro bono work would be important to you?
7. Does pro bono work contribute to or detract from having balance in the mentor's life?
8. How do the financial limitations of doing legal work for free affect, if at all, the quality of representation provided?
9. Should pro bono work be required of all licensed attorneys?

UST LAW MENTOR EXTERNSHIP
Professional Responsibility / Ethics Template

1. What circumstances have provoked your most profound ethical dilemmas within your work?
2. What are the most common ethical problems associated with the practice of law?
3. How often does the mentor observe ethical issues? Has the mentor ever reported an ethics violation to the board of professional responsibility?
4. How often does the intersection of income and ethical practice cause moral tension? In what circumstances? How does the mentor approach resolving that tension?
5. How are the Rules of Professional Conduct viewed in general practice? As a minimum requirement? As a definitive set of guidelines outside of which one can operate and act freely (i.e. as long as I'm not explicitly violating the rule, I'm free to act as I please)?
6. Are the Rules effective in regulating the profession?
7. On January 11, 2001, the Minnesota Supreme Court adopted the Professionalism Aspirations. What purpose do they serve? How are the Professionalism Aspirations viewed in general practice? How often does the mentor observe lawyer behavior that falls short of the Aspirations? What are the common shortcomings?
8. What does your personal sense of ethical behavior/practice require of you that would be acceptable or unacceptable under the Rules of Professional Conduct?

UST LAW MENTOR EXTERNSHIP
Sales - Transaction Conducted Electronically
Template

1. Identify the offer and the acceptance of the offer.
2. How is the contract memorialized? Is there a printed record of the final contract?
3. What law applies to the resolution of this dispute? Is it a particular state's contract law; if so, has this state enacted the Uniform Electronic Transactions Act? Is it the federal Electronic Signatures in Global and National Commerce Act? How was that jurisdiction chosen?
4. Does the contract contain an arbitration clause?

Authored by Professor Elizabeth Schiltz

UST LAW MENTOR EXTERNSHIP
Sales – Warranty Disclaimer Template

14. Is this a consumer transaction or a commercial transaction? Does that make a difference to this issue?
15. Are there any statutory limitations on the breadth or effectiveness of such a disclaimer?
16. What type of warranty is being claimed: implied or express, merchantability or fitness for a particular purpose?
17. How conspicuous is the disclaimer?
18. Is this disclaimer effective? If not, how could it be amended to have the effect that the drafters probably intended?

Authored by Professor Elizabeth Schiltz

UST LAW MENTOR EXTERNSHIP
Scheduling/Discovery Conference Template

19. Fed. R. Civ. P. 26(f) provides that litigants must plan for discovery. What does Rule 26(f) require? Is there a corresponding rule in state court? Does Minn. R. Civ. P. 16.02 apply? What does Rule 16.02 require? How are the two rules different?
20. What is the purpose of the conference? Is a scheduling conference required in every case filed with the court?
21. What are the litigants requesting? Did the judge impose any limitations on the time frame for discovery? For motions?
22. What is the role of the judge? Why would the court request a scheduling conference? Is the court concerned about case management?
23. Did the court issue an order requiring a scheduling conference, or did one of the litigants request the court hold the conference?
24. Who was required to appear at the conference? Was the client present? If the client was present, what role did the client play? If the client was not present, why not?
25. What documentation did the court require of the parties prior to the conference? What is an Informational Statement Form and how is it relevant to the discovery conference?
26. How formal / informal was the process? Did the conference take place by telephone, in chambers or in the courtroom?
27. What was the result of the conference? Did the court issue an order following the conference? What did it outline?
28. If the court issues an order outlining the dates and deadlines for discovery, can the litigants request an extension on a later date? How is that accomplished?

UST LAW MENTOR EXTERNSHIP Settlement Conference Template

1. Was the settlement conference court ordered or initiated by the parties? Are settlement conferences common to this type of dispute? Who attended? Did the judge require certain individuals to be present?
2. Who conducted or refereed the settlement conference?
3. What was the posture of the parties at the beginning of the conference? How did their positions change (if at all) during the course of the conference?
4. Comment on the strategies used by each party during the settlement conference. Which strategies were most effective? Why?
5. How did the attorneys prepare for the settlement conference? Were they adequately prepared? Ask your mentor or another attorney about what he or she thinks are the most important things to remember when trying to negotiate a settlement.
6. Did settlement occur? Why or why not? What were the biggest barriers and challenges to settlement?
7. How do the applicable court rules address settlement and settlement offers? What do the Model Rules of Professional Conduct say about settlement? Ask your mentor or another attorney if and how the attitude about and process of pretrial settlement has changed over the past decade.
8. Comment on the worth and practicality of the settlement conference that you observed. What was the most important lesson you learned about settlement?

UST LAW MENTOR EXTERNSHIP
Title Search or Closing Template

1. Were all the parties present with counsel? If not, do you believe that party was at a disadvantage? If one or more of the parties' were represented, what was the attorney's role before, during and after the search or closing process?
2. Do the parties' seem to be fully appraised of their legal rights and responsibilities during the process? Why or why not? What could be done to better inform the parties' of their legal rights and responsibilities?
3. Why is a title search necessary when refinancing or purchasing property?
4. Who conducted the title search? How was it conducted? What was the fee for the title search?
5. In a closing, what other actions besides a title search, are legally necessary?
6. What is the difference between an owner's title insurance policy and an attorney's title opinion? What are the advantages or disadvantages of each? Is one or the other required?
7. What is the difference between abstract property and torrens property?
8. In a closing, did the purchase agreement have an arbitration agreement addendum? Did the parties' sign it? What (if any) discussion about the addendum took place?
9. What issues came up during the search or closing? How were they resolved?

UST LAW MENTOR EXTERNSHIP
Torts Template

1. Discuss the four elements of a negligence claim: duty, breach, causation and damages. What element of the plaintiff's case presents the most difficulty and why?
2. What does the mentor consider when drafting pleadings in a tort claim? What statutes and rules impact the way the pleadings are drafted in a tort claim?
3. What are some of the statutes of limitations in a tort claim? Do statutes of limitations vary from state to state?
4. What defenses can be raised? When are defenses first raised and how? Does a lawyer tailor the discovery around the defenses? How?
5. What is the burden of proof? Who has the burden of proof? Does the burden of proof ever shift to the opposing party?
6. How does the plaintiff outline the damages in the tort claim? Are they compensatory damages? What other types of damages are there?
7. How does a plaintiff prove punitive damages in a tort claim? What does a plaintiff's lawyer need to demonstrate in order to get the issue of punitive damages to the jury? What does the statute require before a motion for punitive damages will be granted?
8. In a personal injury matter, how does the plaintiff's lawyer prove causation?
9. Is summary judgment an appropriate tool for the defense? What about for the plaintiff? What is the basis for the motion? When should a summary judgment motion be brought?
10. Were depositions taken in the claim? Do the questions focus on the elements or defenses of the claim? What types of questions were asked? For what purpose?
11. What type of tort claims has the mentor handled? In what capacity?
12. If a minor child is the victim in a tort claim, who is the client? Can the minor child represent himself/herself? How are the pleadings drafted?
13. How important is the credibility of the plaintiff in a tort's case? Does the lawyer investigate the credibility of the plaintiff? How?
14. What experts will testify at trial? Why? What will they offer? Will the expert testify live or by videotape?

UST LAW MENTOR EXTERNSHIP

Voir Dire Template

1. Discuss the type of trial and jurisdiction. What rules regarding Voir Dire are applicable? What “rules” were set by the judge regarding the questions the lawyers could ask?
2. Discuss the purposes of voir dire with your mentor or another attorney. How does the purpose of voir dire (or the balance of purposes) differ with different types of cases?
3. Were written questionnaires used for prospective jurors? Did your mentor/attorney submit questions for the questionnaire? How did your mentor/attorney utilize the answers to the questionnaires prior to voir dire? What types of cases lend themselves to a questionnaire?
4. How did your mentor/attorney prepare for voir dire? How much time did it take? How does the preparation vary for different types of trials?
5. What questions did the judge ask the jurors? How many jurors were excused after the judge’s questioning?
6. What are challenges for cause? What types of challenges for cause were used in this instance, if any?
7. What are peremptory challenges? How many could be used on this case? Were they all used? Were there objections to any of the peremptory challenges? How were these objections handled?
8. In addition to the prospective juror’s verbal answers to questioning, what else was your mentor or attorney looking for? Why? What nonverbal actions might be meaningful? Why?
9. Did you feel that the attorneys were “arguing” the case in voir dire? How so?
10. How did the attorney decide who to strike? How did this process occur?

UST LAW MENTOR EXTERNSHIP
Wills, Estates and Trusts I Template

1. What effort was made to determine the competency and freedom of the testator?
2. What efforts were made to provide for family?
3. To what extent were standardized forms employed? What values do they serve?
4. In a probate matter, who is the client? Can a lawyer have more than one client?
5. What are the notice requirements for probate? What happens if the notice requirements are missed? What statute(s) governs notice? What does the statute say about who you have to give notice to?
6. What are the notice requirements for intestacy? What efforts were made to contact the heirs?

Attorney-Client Privilege and Law Students in Mentor Externship³²

The UST Law Mentor Externship provides students with the opportunity to observe and participate in many kinds of legal practice experiences. We encourage students and mentors to observe and debrief various experiences that involve the attorney-client relationship. Experiences that involve the client are invaluable to the students' educational and ethical formation. This memorandum outlines the current state of the law governing attorney-client relations so mentors can evaluate, on a case-by-case basis, any potential risk of having the student present during confidential communications. It is also important to note that the majority of approved experiences for mentor program do not involve client relations and that lawyers and judges can be outstanding mentors without involving their student in client relations.

Case law on the issue is limited to one 1963 Minnesota Supreme Court decision, *State v. Lender*, 266 Minn. at 564, 124 N.W.2d at 358. In that particular case, the Minnesota Supreme Court did not extend the privilege to an unlicensed law graduate. However, in 40 years, many changes have occurred in legal education and the practice of law. In finding a careful balance between client confidences and the educational and ethical development of the soon-to-be lawyer, the mentor program seeks to embrace the reality that attorneys often transact business of a confidential nature and students will respect those confidences.

The attorney-client privilege protects confidential communications made between a client and an attorney. A waiver of the attorney-client privilege can occur if third parties are present during otherwise confidential communications. The recognized exceptions to the third-party waiver rule are: 1) employees of the attorney or agents of either the attorney or the client who are reasonably necessary to the attorney's effective representation or 2) certified law students under Minnesota's Student Practice Rules for those students who are helping with a pro bono or government client.

The attorney-client privilege does extend to communications to an agent or employee of the attorney. For purposes of the mentor program, agents are persons "reasonably necessary" to effective communications between an attorney and the client. This might, for example, include a person assisting the attorney with the client conference by taking detailed notes so that the attorney is freed to focus complete attention on the client, or by performing some other necessary task at the direction of the attorney, such as formulating issues, clarifying facts, or listing matters to be investigated based on the conversation. Therefore, the privilege applies to a law student if the student is considered an agent of the attorney and serves some function, or performs some task, reasonably necessary to the

³² Many thanks to Ursula H. Weigold, Associate Professor of Law & Director of Lawyering Skills at the University of St. Thomas School of Law for providing research and other information for this memo.

communication between the attorney and the client in which the student participated.

Mentors can utilize the UST Law Mentor Program Agency Relationship Agreement to create an agency relationship. Attached please find a copy for your review and use. While the agreement is untested in the courts, UST Law operates on the premise that if all the requirements are met, the privilege extends to students under an agency theory. However, the mentor is in the best position to evaluate the weight of the risk and to decide which client matters are appropriate, if at all, for student involvement.

**Agency Relationship Agreement
University of St. Thomas School of Law Externship**

A. PURPOSE

This agreement establishes an agency relationship between the attorney and the law student. The agency is created to allow the law student to meet with the attorney and a client of the attorney on the date listed below to perform certain tasks and activities necessary for the attorney's effective representation of the client. The tasks and activities include _____note taking, _____ investigation, _____strategic conferencing, _____issue identification, _____research, _____writing/drafting or other _____.

B. DUTIES OF THE LAW STUDENT

The law student may be present during privileged conversations and may have access to confidential information if the student acts as the attorney's agent in performing tasks necessary to the attorney's effective representation of the client. The law student shall maintain client confidentiality and shall not disclose privileged information consistent with the Rules of Professional Conduct. The law student will also abide by the standard rules and guidelines of the attorney's employing organization when acting as the attorney's agent.

Law student violations of this agreement are subject to disciplinary action by the University of St. Thomas School of Law.

C. DUTIES OF THE ATTORNEY

The attorney shall supervise the law student in performing any and all tasks necessary to the attorney's confidential communication with and representation of the client. The attorney shall also affirm the client's intent that all communications necessary to the representation are to be confidential.

Client Matter / File #

Attorney / Principal

Date

UST Law Student / Agent

Date

Mentor Externship Contacts

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You can also reach us at lawmentors@stthomas.edu.

The website is: www.stthomas.edu/lawschool.

U.S. District Court – Minnesota

The state of Minnesota constitutes one judicial district divided into six sections. Clerks' offices are located in the third, fourth, and fifth divisions.

Warren E. Burger Federal Building
316 North Robert St.
St. Paul, MN 55101
651-848-1100

Federal Building, Room 417
515 W. 1st St.
Duluth, MN 55802
218-529-3500

U.S. Courthouse
Clerk of Court Richard D. Sletten
300 South Fourth St., Room 202
Minneapolis, MN 55415
651-644-5000

Minnesota Appellate Courts

Supreme Court

305 Minnesota Judicial Center
25 Constitution Ave.
St. Paul, MN 55155
www.courts.state.mn.us
651-297-7650

State of Minnesota

Office of Administrative Hearings

100 Washington Square, Suite 1700
100 Washington Ave. S.
Minneapolis, MN 55401
www.oah.state.mn.us
612-341-7600

Workers' Compensation

Office of Administrative Hearings

Settlement Division
100 Washington Ave, Suite 1306
Minneapolis, MN 55401
www.doli.state.mn.us
612-349-2588

Tribal Courts

Bois Forte Band of Chippewa

Clerk of Court Lucille Morrison
218-757-3462

Fond du Lac Band of Chippewa

Court Administrator Dorothy
Leifeste
218-878-8358

Grand Portage Band of Chippewa

Clerk of Court Melanie In The
Woods
605-964-8358

Leech Lake Band of Chippewa

Court Administrator Carol White
218-335-3682

Lower Sioux Community in Minnesota

Clerk of Court Carrie Blesener
952-838-2294

Mille Lacs Band of Ojibwe

Court Administrator Matthew
Chapel, Sr.
320-532-7400

Prairie Island Indian Community

Clerk of Court Carol Blesener
952-838-2294

Red Lake Band of Chippewa

Clerk of Court Pat Needhan
218-679-3303

Shakopee Mdewakanton Sioux Dakota Community

Court Administrator Jeanne Krieger
651-644-4710

Upper Sioux Community Tribal Court

Clerk of Court Sandy Samora
320-564-4955

White Earth Band of Chippewa

Court Administrator Kathy Goodwin
218-983-3285

1854 Authority Court

Court Administrator/Deputy
Director Phyllis Lucia
218-722-8907

County Court Seats

Anoka County – 10th District

325 East Main St.
Anoka, MN 55303
General Information –
763-421-4760
Courts Information –
763-323-5939
www.co.anoka.mn.us

Dakota County – 1st Judicial District

Dakota County Judicial Center
1560 Highway 55
Hastings, MN 55033
General Information –
651-438-8100
Courts Information –
651-437-3191
www.co.dakota.mn.us

