

## APPENDIX D

### FIRST YEAR ATTORNEY TRAINING PROTOCOL

The following is a set of minimum goals for new attorneys hired by Georgia Legal Services. The purpose behind these goals is to make clear that GLSP expects managers and supervisors to be intentional and hands on about developing new attorneys' knowledge and skills.

GLSP recognizes that each supervisor has a personal style of supervision and that each new attorney has his/her own learning style. Thus, while the spirit of these goals is mandatory for each new attorney, the supervisor and the new attorney are free to be flexible in the methods they use to accomplish these goals. Thus, for example, one of the main requirements throughout these goals is that there be a supervisor working with the new attorney on all cases. While the goal is to have a supervisor intimately involved in the development of all of the new attorneys' cases, the method of that involvement is ultimately up to the participants as to what is the most effective way to do that. They may use the suggested method of co-counseling or they may use a series of case reviews, as long as the supervisor remains responsible for the case along with the new attorney.

**I. During his/her first week with GLSP, each new GLSP Attorney should:**

1. Meet with the managing attorney and go over his/her orientation schedule and goals for the first few weeks.
2. Familiarize him/herself with the daily time-keeping policy.
3. Tour the office library and learn what it contains.
4. Read the Collective Bargaining agreement, New Lawyer Orientation Manual, other program and office orientation materials, GLSP employees handbook, and personnel and procedure manual.
5. Read LSC Act, Regulations and all GLSP policies implementing them.
6. Meet with local administrator for review of how office handles routine administrative tasks, such as leave requests, mileage reimbursement, petty cash, client trust accounts, operation of telephone system (including telephone logs), operation of fax machine typing procedures, etc.
7. Learn about the office intake procedures.
8. Learn about office calendaring policy.
9. Learn office and program case file maintenance requirements.
10. Sit in on office interviews, telephone interviews, and court appearances as time permits.

**II. During his/her four weeks with GLSP, in addition to making sure that the foregoing items are completed, he/she should:**

1. Observe and help with as many client interviews as possible.
2. When ready, conduct client interviews (including telephone screening and interviews if part of office intake protocol) with appropriate supervision. These should be accomplished within the first two to three weeks.
3. Do telephone intake (if appropriate) and client interviews solo with someone available for immediate assistance.
4. With managing attorney, identify two substantive areas of office practice for him/her for concentration. Factors in this decision would be opportunity to conduct and prepare for hearings (either judicial or administrative), opportunity to develop negotiation skills, areas of interest for new attorney, and office priorities.
5. Read available substantive memos and other materials available from state and national backup personnel in these areas. Review known statutory and regulatory law in these areas as well as case law identified by supervisor or specialist.
6. Take on an initial caseload in these areas of no more than 10 cases. All these cases should be "routine." He/she should co-counsel on the cases and gradually take on more responsibilities deemed appropriate by the supervisor. Because these cases are learning tools, he/she should be given the opportunity to spend an inordinate amount time researching and developing these cases. He/she need to develop a work plan in each of their cases to plan the tasks and time line for completing those tasks.
7. Familiarize him/herself with local court rules and practices, Civil Practice Act, Superior and State Court Rules and Georgia rules of evidence. He/she should especially concentrate on learning applicable deadlines and getting an overall view on discovery procedures.
8. Do specified tasks for other case-handlers in the office on cases within his/her area of concentration. These tasks will be coordinated with the supervisor to make sure that he/she is not overwhelmed and that they further their learning curve in these areas.
9. Use office calendaring system and develop system of personal calendaring.
10. Continue to observe court and administrative hearings. Use this opportunity to appropriate court observations for trial certification.
11. Make a special effort to meet judicial officers.
12. Learn enough about word processing system to type and print a short letter.
13. Draft, via dictation, for review by co-counsel and supervisor case related letters to clients and other attorneys or other agreed upon dictation exercise.

14. Learn and use office tickler system, even with a small caseload.
15. Experiment with short range and long range to do lists.
16. Begin reading the professional periodicals and local papers received by the office.
17. Begin to design non-client resource files, including computer files.

**III. During his/her second and third months with GLSP, in addition to repeating as appropriate of the tasks identified above, each new attorney should:**

1. Continuing to observe almost all hearings, including administrative hearings conducted by other GLSP case-handlers. Don't overlook opportunities to watch highly skilled private attorneys in action in their cases.
2. Graduate to the help level as to some tasks within the initial area of concentration. Practice the preparatory work necessary for direct or cross-examination, preparing a witness for trial, preparing exhibits for trial, and thinking about/researching evidentiary matters relevant to trial.
3. Toward the end of the period, the new attorney may be ready to do administrative hearings, including at least one public benefits hearing.
4. Maintain caseload of no more than 10 routine, but active, cases. Continue to increase his/her responsibility as appropriate. Co-counseling on each case should continue to ensure that an experienced attorney actively shares professional responsibility for handling the cases. Case reviews should continue on a weekly basis.
5. Observe as many depositions as possible. Reading transcripts of previous depositions conducted by a skilled examiner can also help.
6. Analyze the issues and draft initial pleadings in cases involving the chosen area of concentration for the managing attorney or other experienced attorney to review and critique. This should begin with the simplest cases, and progress as appropriate into more complicated matters in these areas.
7. Analyze the issues and draft responsive pleadings in the chosen areas of concentration for the managing attorney or other experienced case-handlers to review and critique in cases within the initial areas of concentration.
8. Perform a substantial legal research project in the initial areas of concentration as selected by the managing attorney or supervisor. This will develop analytical skills.
9. Draft at least one legal brief of 3 - 7 pages in support of or in opposition to a case dispositive or similar motion in an area of concentration. This will develop persuasive argument skills.
10. Participate in a community education session.
11. Attend appropriate bar association meetings in the service area, and become a member of at least one of those bar association (for which the Program will pay).

12. Become familiar with any formal mediation programs in the office service area. Attend a mediation as an observer if possible.
13. Complete trial experience credits.
- IV. **During his/her second three-month period with GLSP, each new attorney should continue to concentrate on developing his/her case-handling skills and ties to the community. Thus, in addition repeating as appropriate any of the tasks listed above, he/she should:**
  1. Continue the development of trial skills and experience by:
    - a. Continuing to help with as many hearings as possible; the new attorney should be allowed to actually do some court tasks (an evidentiary argument, examination of a witness, etc.) at some hearings during this period;
    - b. Doing as many administrative hearings as possible; moving to solo representation toward the end of the period;
    - c. By the end of the period, do routine hearings with the assistance and under the direct oversight of the supervising attorney, or other experienced attorney; and
    - d. Assisting in the preparation of and participate in negotiation sessions on at least one complete case.
  2. Increase caseload to 15 active cases or less by the end of this period. At least two of these should involve non-routine issues in the areas of initial concentration. The caseload should, if possible, include a matter to be handled through formal mediation. Continue to increase his/her responsibilities as appropriate but co-counseling on each case should continue to ensure that an experienced attorney actively shares professional responsibility for handling the cases. Informal review and discussion of case progress should occur at least once per week.
  3. Continue the development of case management skills by:
    - a. Maintaining short-term and long-term "to do" lists. Such lists would likely include case related task related to impact work and a variety of other matters;
    - b. Maintaining and updating the written work plans in those cases, for which the new attorney has primary responsibility; and
    - c. Consulting with the supervisor on a weekly basis on developing and implementing discovery plans, then preparing plans for review and critique.

4. Through consultation with the supervisor select a third area of substantive concentration to begin to learn about. Develop basic understanding in this substantive area by repeating steps II and steps III. If public benefits has not been chosen previously, it should now become an area of concentration.
5. After consultation with the supervisor, attend a meeting of a GLSP substantive law task force.
6. Analyze the issues and draft initial and responsive pleadings for review and critique in several non-routine, complex or difficult cases involving the initial areas of concentration.
7. Analyze the issues and draft, for supervisor or experienced co-counsel review and critique, interrogatories and answers to interrogatories in cases within the initial areas of concentration.
8. Analyze the issues and draft for the managing attorney or experienced co-counsel review and critique, requests for production and answers to requests for production in cases within the initial areas of concentration.
9. Analyze the issues and draft for supervisor or experienced co-counsel review and critique, requests for admission, and answers to requests for admission in cases within the initial areas of concentration.
10. Begin helping with depositions by other experienced attorneys. The new attorney should be actively involved in the preparatory work for a good deposition, including identifying areas of and preparing examinations, preparing clients, etc.
11. Within the initial areas of concentration, analyze and explain to clients in writing the various factors and issues involved in a non-routine or complex settlement proposal or offer, in at least two cases.
12. Within the initial areas of concentration, and under experienced guidance, analyze and explain orally to clients the various factors and issues involved in a non-routine or complex settlement proposal or offer, in at least two cases.
13. Identify other legal resources outside of the office available in each area of substantive concentration and use at least one.
14. Become licensed in the courts covering his/her service area.
15. Complete scavenger hunt.
16. To more fully appreciate the lives our clients lead, attorneys should strive to visit most of the small towns and neighborhoods in the service area. To the extent possible, such visits should be combined with other office business.

- V. During months 7-9 with GLSP, each new attorney should continue to concentrate on developing his/her litigation skills and knowledge of the communities in which he/she practices. Thus, in addition to repeating as appropriate any of the task listed above, he/she should:**
1. Continue the development of trial skills and experienced by:
    - a. Continuing to observe and help with as many hearings as practicable, especially as to trials and non-routine, difficult, or complex hearings;
    - b. Conducting hearings in routine cases involving the initial areas of concentration. For each of these cases, the supervisor should be intimately involved in overseeing the preparation of the case. For at least the first two hearings, the supervisor should be present for review and feedback; and
    - c. Conducting as many administrative hearings as possible. The case-handler and the supervisor should determine on a case-by-case basis whether such hearings should be conducted solo or whether the attendance of a non-experienced case handler is necessary.
  2. Through consultation with the supervisor, select a fourth area of substantive concentration. Develop basic understanding in this substantive area by repeating Sections II and III.
  3. Maintain active caseload of 15 or less. These cases should now include non-routine, complex or difficult issues arising in the new attorney's initial areas of substantive concentration. While ongoing mentoring and close supervision will continue, routine cases within the two initial areas of concentration newly accepted during this period need not have co-counsel if both supervisor and new attorney agree. However, cases within the attorney's third and fourth areas of concentration, and non-routine, complex, or difficult cases accepted during this period, should have co-counsel assigned.
  4. Continue the development of case and caseload management skills by:
    - a. Developing and using a trial notebook in every case, for which the new attorney has a helping, doing or solo role for trial;
    - b. Evaluating with the supervisor, the various case management approaches used during the previous six months to develop a written personal case management plan which the attorney will use for cases in the two initial areas of concentration to ensure timely, reliable completion of work tasks. The personal case management plan should be specially tailored to meet the needs/styles of each new attorney, incorporating the tickler system, discovery plans, trial notebooks, etc;
    - c. Continue to prepare written case work plan, consistent with the overall case management plan but at least for all non-routine, of complex or difficult cases, and for all cases outside the attorney's two initial areas concentration; and
    - d. Regularly meet with the supervisor to discuss, review, and refine the individual case work plans and case management plan.

5. Continue to analyze the issues and draft/respond to interrogatories, requests for production, or requests for admissions for supervisor or other experienced case-handler review and critique, in as many cases as practicable, emphasizing involvement in gradually more complex discovery work.
6. Continue to develop deposition skills by:
  - a. After helping with a deposition, prepare for and do at least one deposition in relatively routine case within one of the initial substantive areas of concentration under the guidance and supervision of the supervisor or another experienced attorney;
  - b. Work with an attorney in preparing to defend a position; and
  - c. The completion of this goal will obviously depend on the volume of depositions done by the office.
7. Continue to develop legal writing and analytical skills:
  - a. Research and draft at least two case dispositive motions (motion to dismiss, motion for summary judgment, etc.) involving non-routine, complex or difficult issues within the initial areas of substantive concentration;
  - b. Research and draft at least two significant briefs of 5 -7 pages in length involving a routine issue within the third and fourth areas of substantive concentration. These briefs can be written in conjunction with the motions written on 7.a; and
  - c. Perform original research and analysis on a legal issue of importance to the Program arising out of the new attorney's caseload. Write a memorandum summarizing the results and suggestions for use by case-handlers in general.
8. Begin to become familiar with the appellate process by:
  - a. Observing a session of oral argument in each of the state appellate courts; and
  - b. Helping with as many appeals as possible.
9. Begin to become familiar with the jury trial process by:
  1. Observing jury selection and other significant portions of at least one state jury case handled by skilled private attorneys; and
  - b. Observing and helping with any trials handled by your office or a nearby GLSP office.
10. Further develop negotiation skills by doing face-to-face negotiation in at least one non-routine, complex or difficult case.
11. Plan and conduct a community legal education session.

12. Identify three ethical problems the new attorney commonly encounters, or observe private attorneys involved in, and discuss with supervisor various ways those problems arise and how they can be avoided or resolved.
13. Improve client relations skills by:
  - a. Observing or helping another attorney deal with difficult client-relations issues, such as a client who seems to be taking an unreasonable stance as to settlement, a client who is hostile to the attorney or other GLSP staff, a client who wishes to pursue an inadvisable course of action, etc.
  - b. With the assistance of the supervisor, prepare for and verbally analyze a decision for a client, and advise them about whether to file objections or appeal.
14. Do a second level administrative appeal.
15. During the probationary review process, prepare a critique of the first year's training experience, reviewing the depth and with particularity each of the following areas:
  - a. Progress on checklist tasks;
  - b. Satisfaction of personal learning goals;
  - c. Areas of greatest learning;
  - d. Areas requiring additional learning;
  - e. Satisfaction with the training process; and
  - f. Suggestions, problems, and/or solutions to problems as to any of the above.

**VI. In addition to repeating as appropriate any of the tasks listed above, during months 10-12 with GLSP, each new attorney should round out his/her first year of basic learning by:**

1. Continuing the development of courtroom skills and experience through:
  - a. Doing as many court hearings as possible, including doing at least two complex evidentiary hearings with the supervisor or experienced co-counsel assisting with the preparation of the case and present at counsel table. A complex evidentiary hearing is one involving more than a single morning or afternoon of trial, requiring a number of witnesses on both sides, significant documentary evidence several contested evidentiary questions, or some combination of at least three of these criteria; and
  - b. Conducting solo hearings in routine cases involving the third and fourth areas of substantive concentrating. For at least the first two hearings in each of these additional substantive areas of concentration, the supervisor should be present to provide critique and feedback.

2. Begin to develop familiarity with any remaining issue(s) of substantive concentration which the office routinely encounters. Repeat checklist Sections II (4-5) and III (4-5) as to each such area.
3. Continue maintaining caseload of 15 or less active cases. However, increase the percentage of non-routine cases in the case load as appropriate. While ongoing mentoring and close supervision should continue, routine cases in the third or fourth areas of concentration newly accepted during this time need not have co-counsel assigned if both the supervisor and the new attorney agree. However, cases within the final areas of substantive concentration, and all non-routine cases accepted during this period, should have co-counsel assigned.
4. Continue the development of case management skills by continuing to:
  - a. Implement the personal case management plan, reviewing the plan and experience in its use with the supervisor at least once during this period, to determine if modification or improvement is appropriate;
  - b. Prepare written case work plans for all non-routine difficult or complex cases, matters or supporting activities, and for all cases, matters, or supporting activities within the final areas of substantive concentration; and
  - c. Meet with the supervisor at least once each month to review progress on individual case work plans and the status and progress of each case, matter, or supporting activity assigned to the new attorney.
5. Continue to develop deposition and questioning skills by:
  - a. Helping with lengthy, difficult or complicated depositions scheduled during this time; and
  - b. Doing as many routine depositions as possible under the direct guidance of the supervisor or other experienced attorney.
6. Continue to develop legal writing and analytical skills by:
  - a. Researching and drafting at least two case dispositive motions and supporting briefs involving non-routine, complex or difficult matters arising in the third and fourth areas of substantive concentration;
  - b. Researching and drafting a significant memorandum in support of or in opposition to one of the following motions:
    - i. To compel discovery;
    - ii. For a protective order;
    - iii. For relief from judgment;
    - iv. For a new trial;
    - v. For default judgment;

- vi. For leave to amend a pleading;
  - vii. For sanctions; and
  - viii. For findings of fact and conclusions of law
7. Continue helping with jury trials handled by your office or nearby GLSP offices.
  8. While the new case-handler should continue to do, with the direct guidance and supervision of the supervisor or another experienced attorney, face-to-face negotiations in (1) complex, non-routine or difficult cases, and (2) all cases in the third and fourth areas of substantive concentration added in this period, the new case-handler should begin conducting other negotiations solo.
  9. Do at least one deposition.