

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

NEW ATTORNEY TRAINING AND MENTORING PLAN



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The New Attorney Training and Mentoring Plan set forth below will fulfill any obligations of a beginning attorney employed by the Georgia Public Defender Standards Council with respect to the State Bar of Georgia and the Commission on Continuing Lawyer Competency Transition into Law Practice Program (TILPP).

COMPLIANCE WITH TILPP IS MANDATORY FOR ALL NEWLY BARRED ATTORNEYS, UNLESS THEY ARE EXEMPTED PURSUANT TO A WRITTEN EXEMPTION REQUEST. New Attorneys must enroll in TILPP by completing the enrollment form and submitting it to both the State Bar (original) *and* to GPDSC's training manager (copy). The enrollment form is available on the GPDSC website at http://www.gpdsc.org/?page_id=109

I. Training:

All beginning public defenders enrolled in the TILPP program must participate in, and complete, both courses designed and administered by the Training Division of the Georgia Public Defender Standards Council: 1) Fundamentals of Public Defense Seminar and 2) Trial Skills Seminar. See Appendix A for a description of these courses.

Every beginning public defender must participate in, and complete, each of these training seminars within the first eighteen months of employment, absent extraordinary circumstances. *With prior approval and for good cause shown as determined by the GPDSC Training Director, if a lawyer misses one of the above sessions, they may be permitted to attend the next available session or complete an alternative comparable program¹.* GPDSC has designed a two-part TILPP training program with courses offered once per year beginning with Fundamentals of Public Defense in January and concluding with Trial Skills in July. Ideally, beginning lawyers will attend the workshops in order.

Participation in the above-listed courses will comprise the CLE component of the State Bar of Georgia and the Commission on Continuing Lawyer Competency Transition into Law Practice Program. Public Defenders who complete GPDSC's TILPP training program will not need to participate in either the Enhanced Bridge-the-Gap Program or the Fundamentals of Law Practice Program offered by the State Bar.

¹ Approved courses include but are not limited to courses offered by the Southern Public Defender Training Center (SPDTC), the National College of DUI Defense (NCDD), The National Criminal Defense College (NCDC), the Youth Law Conference and The Georgia Association of Criminal Defense Lawyers (GACDL).

Mentoring

The Mentoring Plan set forth below will govern mentoring responsibilities of mentors and beginning attorneys employed by GPDSC. Mentors must complete and submit the Mentor Volunteer Form, available at http://www.gpdsc.org/?page_id=109 and attached in Appendix B, to the State Bar. The mentor and beginning lawyer must sign the State Bar of Georgia Certificate of Satisfactory Completion, available at http://www.gpdsc.org/?page_id=109 and attached in Appendix B, at the completion of the plan but no later than twelve months after bar admission.

A. Introduction to the Legal Community
1. The Circuit Public Defender shall serve as the mentor or designate a qualified member of his or her staff to serve as the mentor to the beginning public defender within 10 working days of the decision being made to employ the beginning public defender. The mentor will introduce the beginning public defender to other lawyers and staff members in the office.
2. Invite the beginning public defender to attend a meeting of the local bar association and discuss local, state and national defender (NLADA, NACDL, GACDL, etc.) and bar association opportunities.
3. Introduce as feasible the beginning public defender to other lawyers in the community through attendance at local bar association meetings or otherwise.
4. Escort the beginning public defender on a tour of the local courthouses and, to the extent practicable, introduce him or her to members of the judiciary, court personnel and clerks of court.
5. Discuss any “unwritten” customary rules of civility or etiquette among lawyers and judges in the community.
6. Acquaint the beginning public defender with the role and function of the Georgia Public Defender Standards Council.
B. Introduction to the Community at Large
1. Invite the beginning public defender to attend a civic club of which the Mentor is a member or some other community service activity in which the Mentor participates.
2. Discuss civic, charitable, and service opportunities in the community
3. Discuss with the beginning public defender various community resources that may be available to his or her clients.
C. Introduction to Office Management
1. The Mentor should demonstrate and explain how the following items of law practice management are used and handled, if applicable:
(a) JCATS Case management system;
(b) Filing system;
(c) Records and document retention policies;
(d) Calendaring of cases, motions and the “tickler” or other reminder system;
(e) Managing demands for trial;
(f) Information technology systems;
(g) Library and on-line research system
(h) Other resources (publications, seminars, equipment, etc.) that the beginning public defender will find helpful in his or her work.
(i) Good time management skills and techniques.
(j) Maintaining confidentiality of client case files.
(k) Discuss the duties and responsibilities of the following personnel within the office:
(1) office administrator or office manager
(2) investigators
(3) legal secretaries
(4) paralegals
(5) other staff members

D. Working With Your Client
1. Discuss topical questions and cover items of practical guidance relating to working with the client, including responsibilities of the attorney and client in decision making.
2. Discuss how to gather information from the client relevant to the representation.
3. Discuss how to recognize, avoid, and handle conflicts of interest.
4. Discuss strategies for dealing with various difficulties that can come up in the attorney/client relationship.
5. Discuss “DO’s” and DON’T’S” of maintaining good ongoing client relations such as returning telephone calls and keeping client informed about matters.
6. Discuss terminating the lawyer-client relationship and necessary documentation.
7. Participate in or observe at least one client interview or client counseling session.
8. The mentor should be familiar with the lessons taught in these areas at the GPDSC Fundamentals of Public Defense Training either because the mentor has attended the training or consulted with the GPDSC Training Manager.
E. Mandatory Advocacy Experiences
The mentor will monitor and facilitate the progress of the beginning public defender in a courtroom setting. Following each experience, the mentor should discuss the context of the litigation experience. Depending on the office and the timing with which various courtroom assignments are made, this component of the mentoring plan may well extend beyond the first twelve month of a new attorney’s practice.
1. The mentor should observe, or if unavailable arrange for a senior attorney to observe, the first bond review hearing conducted by a new public defender and the first preliminary hearing conducted by the new public defender.
2. The mentor should observe the first two trials the new public defender does by himself or herself.
3. The mentor should observe at least the first jury trial the new public defender does by himself or herself, if the first two trials as set forth in #2 are bench trials.
4. The mentor should observe at least three (3) motion hearings. The motion hearings must include a motion to suppress and a Jackson-Denno hearing.
5. The beginning lawyer will observe an actual or webcast of an appellate argument in the Supreme Court of Georgia or the Court of Appeals of Georgia.
F. Additional Litigation Experiences
1. The beginning public defender will attend the following trainings put on by the GPDSC within his or her first eighteen months of employment*. a. Fundamentals of Public Defense b. Trial Skills
* With prior approval and for good cause shown as determined by the GPDSC Training Director, if a lawyer must miss one of the above sessions within the first twelve months of practice, a lawyer may be permitted to attend the next available session.
H. The Obligations of the Public Defender to Others
1. The mentor will discuss with the new attorney the role of the public defender vis a vis his or her client, the community, the Court, and the prosecutor with an emphasis to provide zealous representation to his or her client within the bounds of the law and the Rules of Professional Responsibility.
2. The mentor will discuss with the new public defender his or her ethical obligations as set forth in the Rules of Professional Responsibility
3. The mentor should be familiar with the lessons taught in these areas at the GPDSC Fundamentals of Public Defense either because the mentor has attended the training or consulted with the GPDSC Training Director. Information conveyed by the mentor should be consistent with these teachings.

Appendix A: Training Curriculum

**Please visit the Training Calendar at http://www.gpdsc.org/?page_id=610 for training location information and to obtain a copy of the training agenda. Training dates should be confirmed by checking the website Training Calendar.

Through lectures, group discussion and “hands on” role playing exercises this program will give APDs an intensive exposure to many of the challenges they will experience in the day to day performance of their job duties, and provide them with guidance and training from experienced attorneys in the best practices they should employ in meeting those challenges. Throughout both workshops trainees will be “representing” a client in a factual case scenario and will experience the progress of the case from arrest through trial. Along the way, the trainees will be required to analyze facts, direct the investigation, advise the client, conduct hearings, make tactical decisions about the defense of the client and try the case.

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<u>TILPP Part I: Fundamentals of Public Defense – January</u>
Overview
The Role of the Public Defender
Ethical Considerations and Client Centered Representation
Client Relations/Interviews
Theory of the Case/Telling Your Client’s Story
Discovery
Investigation (general)
Investigation/Taking a Statement
First Appearance, Bail, and Arraignment
Preliminary Hearings (law and “how to)
Preliminary Hearings (exercise)
Motions Practice – thinking creatively to make the most of your motions practice
Brady Jurisprudence
Trial Preparation

TILPP Part II: Trial Skills Workshop – July

Voir Dire

Opening Statements

Direct Examination

Cross Examination

Working With Documents

Impeachment

Evidentiary Issues

Closing Arguments

Sentencing

Appeals

Emotional Fatigue, Caseload Management, Conflicts and Q & A with Faculty

