Transitioning From Mentee To Mentor

Supervisory Responsibilities of the New Partner Under Model Rules of Professional Conduct: Rule 5.1
Marcella Hein is an attorney in the Chicago office of Kelley Drye & Warren LLP. Her practice focuses on domestic and international transactional matters, including information technology and outsourcing agreements, strategic alliances, software licensing and privacy matters.

Prior to joining Kelley Drye, Marcella was Corporate Counsel for West Monroe Partners, a North American technology and management consulting firm that has a global strategic alliance with BearingPoint Europe.
Michele Jochner

Michele M. Jochner is a Partner with Chicago’s Schiller DuCanto & Fleck LLP, the nation’s largest law rm focusing exclusively on family law. Ms. Jochner, who heads the Firm’s Appellate Practice, previously served as a Judicial Law Clerk for two Chief Justices of the Illinois Supreme Court: the late Hon. Mary Ann G. McMorrow and Hon. Charles E. Freeman.

Recognizing the importance of ensuring that the future of the legal profession is in good hands, Ms. Jochner actively mentors numerous law students at DePaul, University College of Law where she served as an adjunct professor. Her mentoring efforts were recently recognized by The Chicago Lawyer magazine in naming her one of 2013's "Women Making an Impact."
Min Cho

Min Cho is a partner at Holland & Knight LLP in Orlando, Florida. He practices in the areas of complex civil litigation and white collar defense. He is currently the ABA YLD’s nominee to the ABA Board of Governors. He is also a member of the ABA House of Delegates and chairs its tellers committee.
Daniel A. Schwartz represents employers in various employment law matters such as employment discrimination, restrictive covenants, human resources, retaliation and whistle blowing, and wage and hour issues.

Dan is a frequent presenter on a wide range of employment law and commercial litigation topics, and has been interviewed by newspapers, radio and television programs and legal blogs on employment law topics. He recently published a chapter on social media and human resources issues in *Think Before You Click: Strategies for Managing Social Media in the Workplace* (Thompson Publishing, 2011).

Dan is also the author and publisher of the Connecticut Employment Law Blog, an award-winning and widely-read blog focusing on employment law issues for employers in Connecticut.
Ice-Breaker
Responsibilities of a Partner or Supervisory Lawyer

Under MPC Rule 5.1, attorneys with direct supervisory or managerial authority are required to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.
DISCIPLINARY LIABILITY

Failure to take appropriate action under MPC Rule 5.1 can lead to disciplinary civil or criminal liability on behalf of a subordinate.

EXAMPLES OF DISCIPLINARY ACTIONS BROUGHT UNDER MPC RULE 5.1

• Fl. Bar v. Nowacki, 697 So. 2d 828 (Fla. 1997) (disciplining lawyer who delegated entire caseload to new associate)

• In re Farmer, 950 P.2d 713 (Kan. 1997) (hiring inexperienced lawyers to staff firm’s satellite office)

• Andrews v. Ky. Bar Ass’n, 169 S.W.3d 862, 863 (Ky. 2005) (disciplining lawyer under Rule 5.1(b) for failing to supervise associate who committed misconduct after being suspended for failing to pay bar dues)

• In re Moore, 494 S.E.2d 804 (S.C. 1997) (disciplining lawyer who turned over all discovery in a case to an associate).

• In re Myers, 584 S.E.2d 357, 360–61 (S.C. 2003) (finding that prosecutor violated Rule 5.1(b) by failing to supervise deputy).

• In re Disciplinary Action Against Geiger, 621 N.W.2d 16 (Minn. 2001) (assigning inexperienced lawyers to represent client in employment litigation)

• Andrews v. Ky. Bar Ass’n, 169 S.W.3d 862, 863 (Ky. 2005) (disciplining lawyer under Rule 5.1(b) for failing to supervise associate who committed misconduct after being suspended for failing to pay bar dues)
TIPS FOR COMPLIANCE

• Implement policies and procedures “designed to detect and resolve conflicts of interest
• Identify dates by which actions must be taken in pending matters
• Create accounts for client funds and property
• Ensure that inexperienced lawyers are properly supervised
• Provide proper training to attorneys and non-attorneys
Mentoring Programs

“A strong mentoring and support system fosters a Rule 5.1 compliant environment, and the practice of mentorship serves as the underpinning to any successful supervisory practice.”
References and Resources


- Professional Discipline for Law Firms? A Response to Professor Schneyerâ€™s Proposal: [http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1900&context=facpub]

- [http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/38th_conf_session14_richmond_brothers_keeper.authcheckdam.pdf]
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