

THE STATE BAR OF GEORGIA

COMMISSION ON CONTINUING LAWYER COMPETENCY

HANDBOOK ON MANDATORY ADVOCACY EXPERIENCES

STATE BAR OF GEORGIA RULE 8-104(D) &
REGULATION (5) TO STATE BAR OF GEORGIA RULE 8-104(D)



TRANSITION INTO LAW PRACTICE PROGRAM

To provide professional guidance and counsel to assist beginning lawyers newly admitted to the State Bar of Georgia in acquiring the practical skills, judgment and professional values necessary to practice law in a highly competent manner.

Handbook On
**Mandatory Advocacy
Experiences**

Compiled by
Transition Into Law Practice Program

(Revised 02/08)

TABLE OF CONTENTS

How To Comply 3

Mentoring Manuals..... 4

Notice For Prosecutors & Public Defenders..... 5

Inside Mentoring Compliance..... 6

Outside Mentoring Compliance..... 7

Group Mentoring Compliance.....8

Text Of Mandatory Advocacy Experience Rules & Regulations..... 10

For More Information..... 11

ADA COMPLIANCE NOTICE:
If you prefer to receive printed materials in an alternative format,
please contact the ADA Coordinator at: (404) 527-8700 or (800) 334-6865

How To Comply
With The
**Mandatory Advocacy
Experiences**
Requirements

The manner in which you satisfy the Mandatory Advocacy Experiences requirements depends upon the type of Mentoring you are participating in.

If you are a Prosecutor or Public Defender, see the “Notice for Prosecutors and Public Defenders” on the next page.

The Transition Into Law Practice Program utilizes three types of Mentoring: **Inside Mentoring** (The Beginning Lawyer works in association with his or her employer-selected Mentor.); **Outside Mentoring** (The Beginning Lawyer is a sole practitioner who is paired one-on-one with a Mentor outside his or her office.); or, **Group Mentoring** (The Beginning Lawyer is either unemployed or employed in a non-legal setting.).

Please consult the section of this Handbook that reflects the type of Mentoring you are participating in.

Mentoring Manuals

All of the information contained within this Handbook is duplicative of information contained within the comprehensive manual for each type of mentoring on the State Bar of Georgia website. Each manual is an inclusive “one-stop” resource that a Mentor or Beginning Lawyer, without any previous knowledge of the Program, can access for full Program information and forms. To download your copy of a manual, go to:

http://www.gabar.org/programs/transition_into_law_practice_program/beginning_lawyers/

Notice

For Prosecutors and Public Defenders

If you have questions about Mandatory Advocacy Experiences, **and** you are a Beginning Lawyer employed as a District Attorney, a Solicitor, or a Public Defender, please contact your office or organization contact person for the Transition Into Law Practice Program for details about the mentoring plan and procedures applicable to your practice setting.

Your compliance with Mandatory Advocacy Experience requirements will occur within a mentoring program facilitated by your organization. This is because several statewide organizations, and many law firms, that routinely employ numerous newly admitted Georgia attorneys have developed “Master Mentoring Plans” which will apply to all of their newly admitted Georgia attorneys who are subject to the Transition Into Law Practice Program.

**Mandatory Advocacy Experiences
Requirements
&
Inside Mentoring**

QUESTION: I have been admitted to practice and I want to appear as sole or lead counsel in a case. I am participating in **Inside Mentoring**. What do I do about the "Mandatory Advocacy Experiences" requirement? (State Bar Rule 8-104 (D) and Regulation (5) to State Bar Rule 8-104(D)).

ANSWER: The manner in which you satisfy the Mandatory Advocacy Experiences are between you and your Inside Mentor, and reporting is done using the "honor system" as a part of your written mentoring plan.

Recall that up to three (3) of the five (5) experiences can be attained while in law school. The other two (2) experiences are chosen by you and your Mentor, and represent a portion of your written mentoring plan.

For a sample reporting form for complying with Mandatory Advocacy Experiences, view the "Mandatory Advocacy Experiences" section of the Model Mentoring Plan, which is found in the Appendix of Forms section of your Inside Mentoring Manual.

QUESTION: What does "lead counsel" mean for purposes of the Mandatory Advocacy Experiences requirement?

ANSWER: “Lead counsel” is defined as “the attorney who has primary responsibility for making all professional decisions in the handling of the case. Regulation (1) under State Bar Rule 8-104(D).

**Mandatory Advocacy Experiences
Requirements
&
Outside Mentoring**

QUESTION: I have been admitted to practice and I want to appear as sole or lead counsel in a case. I am participating in **Outside Mentoring**. What do I do about the "Mandatory Advocacy Experiences" requirement? (State Bar Rule 8-104 (D) and Regulation (5) to State Bar Rule 8-104(D)).

ANSWER: The manner in which you satisfy the Mandatory Advocacy Experiences are between you and your Outside Mentor, and reporting is done using the "honor system" as a part of your written mentoring plan.

Recall that up to three (3) of the five (5) experiences can be attained while in law school. The other two (2) experiences are chosen by you and your Mentor, and represent a portion of your written mentoring plan.

For a sample reporting form for complying with Mandatory Advocacy Experiences, view the “Mandatory Advocacy Experiences” section of the Model Mentoring Plan, which is found in the Appendix of Forms section of your Inside Mentoring Manual.

QUESTION: What does “lead counsel” mean for purposes of the Mandatory Advocacy Experiences requirement?

ANSWER: “Lead counsel” is defined as “the attorney who has primary responsibility for making all professional decisions in the handling of the case. Regulation (1) under State Bar Rule 8-104(D).

**Mandatory Advocacy Experiences
Requirements
&
Group Mentoring**

QUESTION: I have been admitted to practice and I want to appear as sole or lead counsel in a case. I am participating in **Group Mentoring**. What do I do about the "Mandatory Advocacy Experiences" requirement? (State Bar Rule 8-104 (D) and Regulation (5) to State Bar Rule 8-104(D)).

ANSWER: Beginning Lawyers in Group Mentoring utilize the Model Mentoring Plan. Mandatory Advocacy Experience compliance is done on your own using the "honor system". In Group Mentoring, you will keep track of your advocacy experiences on your own - you do not submit any paperwork to the State Bar of Georgia solely pertaining to the Mandatory Advocacy Experiences.

For a sample form to keep track of your Mandatory Advocacy Experiences, view the “Mandatory Advocacy Experiences” section of the

Model Mentoring Plan, which is found in the Appendix of Forms section of your Group Mentoring Manual.

Recall that up to three (3) of the five (5) experiences can be attained while in law school. The other two (2) experiences are chosen by you. Examples of advocacy experiences are found in the “Mandatory Advocacy Experiences” section of the Model Mentoring Plan, which is found in the Appendix of Forms section of your Group Mentoring Manual.

QUESTION: What does “lead counsel” mean for purposes of the Mandatory Advocacy Experiences requirement?

ANSWER: “Lead counsel” is defined as “the attorney who has primary responsibility for making all professional decisions in the handling of the case. Regulation (1) under State Bar Rule 8-104(D).

See Next Page Of This Handbook For
Portions Of State Bar Rules & Regulations
Addressing
Mandatory Advocacy Experience Requirements
State Bar Rule 8 – 104 (D)
&
Regulation (5) to State Bar Rule 8 – 104 (D)

State Bar Rule 8-104(D) provides:

“Prior to appearing as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case, any newly admitted active member admitted to practice after June 30, 2005, shall complete the mandatory Advocacy Experiences of the Transition Into Law Practice Program”

Regulation (5) following State Bar Rule 8-104(D) provides:

“(5) For participants in the Transition Into Law Practice Program who wish to appear as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case, the mentors and beginning lawyers shall devise five (5) mandatory Advocacy Experiences tailored to the practices of the beginning lawyers.

The following are examples:

- i. An actual or simulated deposition of a witness or adverse party in a civil action;***
- ii. An actual or simulated jury trial in a civil or criminal case in either a state or federal court;***
- iii. An actual or simulated nonjury trial or evidentiary hearing in a state or federal court;***
- iv. An actual or webcast of an appellate argument in the Supreme Court of Georgia, the Court of Appeals of Georgia, or a United States Circuit Court of Appeals; and***
- v. An actual or simulated mediation.***

Other advocacy experiences may be selected by Mentors to comply with Rule 8-104(D).”

REMINDER: Up to three (3) of the five (5) mandatory Advocacy Experiences may be obtained prior to

admission to practice, under certain conditions. See Rule 8-104(D).

For More Information

DOWNLOAD YOUR MENTORING MANUAL at the following link:

http://www.gabar.org/programs/transition_into_law_practice_program/beginning_lawyers/

VIEW ALL APPLICABLE STATE BAR RULES & REGULATIONS

pertaining to the Transition Into Law Practice Program at the following link:

http://www.gabar.org/handbook/part_viii_continuing_lawyer_competency/rule_8-104_education_requirements_and_exemptions/

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