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Symposium: The Ethics of Law Students

Articles

***875 MAKING ETHICAL LAWYERS**[Patrick J. Schiltz \[FNa1\]](#)

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I. Introduction

Like many law professors, I have been happy to use my scholarship to identify problems with the law or legal profession, and to argue that the world would be a better place if people would only do what I tell them. Moreover, like many law professors, I have been secure in the knowledge that relatively few people read law review articles and almost no one tries to implement the proposals of law professors. Thus, I have been confident that when I retire in twenty or thirty years, I will be able to boast to my grandchildren that not a single one of my ideas had ever been proven wrong.

My confidence in being able to inflict such pomposity on my grandchildren has recently been shaken. Here is what happened: In the first law review article I ever wrote--an article that was published in the *Minnesota Law Review* [FN1]-I argued that the ethics of the legal profession were getting worse and that the decline was in part the fault of law schools. I then gave some suggestions for improving legal education. The article was read by more people than I expected (which is not saying much), but, to my knowledge, it did not inspire anyone to do anything, so nothing I said was proven wrong.

A couple of years after my article was published, I received an unusual invitation--an invitation to put my career where my mouth was. In April 2000, I received a call from the University of St. Thomas in Minnesota. St. Thomas was planning to open a new law school in *876 the fall of 2001. Despite the fact that opening day was little more than a year away, almost nothing had been done. No administrators, faculty, or staff had been hired (save a mostly figurehead dean and his secretary); not one student had applied for admission (probably because there was no application); the website consisted of a couple of paragraphs of text and one small image; no search piece, viewbook, or similar materials had been published; no one had put together a budget or staffing plan--short-term, medium-term, or long-term; little planning had gone into the temporary space and almost no planning into the new building; the curriculum was nonexistent; and the school did not have a mission statement or even much of an idea of why it existed. The school did have money; indeed, benefactors of the University had already pledged over \$60 million. Thus, the school was a blank slate, but there was plenty of money for chalk.

St. Thomas invited me to assume primary responsibility for the day-to-day work of setting up the new law school. The decision whether to accept the invitation was difficult, and not only because I was loathe to leave my colleagues and students at Notre Dame. The "upside" of St. Thomas's offer was that I would get an opportunity to set up a law school from scratch. The "downside" of St. Thomas's offer was that I would have to set up a law school from scratch. I knew that I would have to work unimaginably hard, that success was far from assured (in part because I had no experience in law school administration), and that any failure had the potential to be spectacular. I also knew, though, that only once in my lifetime would I get a call from a respected university inviting me to return to my home state and spend more than \$60 million of other people's money creating a new law school. I accepted the offer.

Serving as a dean of a law school with no faculty or students gives one a certain freedom of action. I took advantage of that freedom by initiating a program to address some of the failings in legal education that I had identified in my *Minnesota Law Review* article. This Article describes that program and assesses its progress to date. In a very real sense, the program represents legal scholarship in action. If my scholarship was sound, then the program should help St. Thomas students to become ethical lawyers. If my scholarship was not, then I will have to find something else to brag about in retirement.

II. Declining Ethics and the Role of Law Schools

Let me start by summarizing what I said in my article.

First, I argued that whether law is practiced ethically in any particular community (regardless of whether that community is a state, a city, an employer, or a practice group within an employer) depends *877 not upon the community's formal rules, but upon its culture. [FN2] Communities governed by precisely the same formal rules often differ dramatically in their ethics. [FN3] They differ because their cultures differ; they differ in their unwritten understandings about what will and will not be tolerated. [FN4]

Second, I argued that the "culture of a legal community does not reflect 'big' decisions that members of the com-

munity make about ‘big’ problems, as much as it reflects the dozens of ordinary, mundane decisions that every attorney makes . . . every day.” [FN5] Few attorneys will ever confront the exotic ethical dilemmas so loved by casebook authors and Hollywood screenwriters. [FN6] Rather:

The moral fabric of an attorney is stitched out of the dozens--hundreds--of decisions that she makes each day. It is stitched out of the tone of voice she uses in talking with others, out of her choice of adjectives while writing a letter, out of the care she takes in describing what she represents to be the truth of a matter. It is stitched out of one decision after another, each of which may be mundane in itself, but all of which combine to form the moral fabric of the attorney, and combine with like decisions of other attorneys to form the moral fabric of law firms and legal communities. [FN7]

Third, I argued that these decisions that make up the moral fabric of an individual attorney--and, in a larger sense, of a legal community--are so many and so mundane that they almost cannot be called “decisions.” [FN8] These actions reflect instincts or intuitions far more than they reflect conscious decision-making. [FN9] Those instincts or intuitions, in turn, reflect not the quality of an attorney's mind, but the quality of his or her character and values. [FN10]

Finally, I argued that an attorney's character and values are strongly influenced by the mentoring that he or she receives. [FN11] I reflected on my experience as a young attorney and explained that my own values were shaped not by reading books or by listening to lectures, but by the senior lawyers (in my firm and elsewhere) who took *878 the time to mentor me--who took the time to model ethical lawyering and to discuss the practice of law in hundreds of informal conversations. [FN12] I argued that this kind of mentoring is profoundly important in shaping the character or professional identity of young attorneys. [FN13] Through such mentoring, the unwritten understandings of the legal community are passed on to young attorneys and young attorneys are integrated into the legal community (thereby lessening their sense of anonymity and heightening their sense of accountability). [FN14]

In sum, I argued that conduct is influenced by culture, culture by countless ordinary acts, countless ordinary acts by intuition, intuition by character, and character by mentoring. [FN15] I then went on to describe how mentoring was disappearing in both the practicing bar [FN16] and in the legal academy. [FN17] Mentoring is declining in the practicing bar for several reasons, including the fact that practice settings are getting larger and attorneys are changing jobs more frequently. [FN18] Mostly, though, mentoring is declining because of the ever-increasing importance that lawyers place on material wealth. [FN19] Put simply, mentoring is non-billable. [FN20]

Mentoring is declining in law schools for several reasons, including the fact that law school faculties are increasingly populated by professors who have little experience practicing law and little interest in those who do. [FN21] Mostly, though, mentoring is declining in law schools because, just as attorneys in private practice have become consumed with achieving financial success as measured by the billable hour, professors have become consumed with achieving academic prestige as measured by published pages of scholarship. [FN22] Mentoring students does nothing to advance a professor's career and does nothing to advance*879 a school's U.S. News & World Report ranking. [FN23] I concluded my article by arguing that, to reverse the decline in legal ethics, we need to reverse the decline in **mentoring**. [FN24]

III. One Possible Solution: The St. Thomas **Mentor** Program

At St. Thomas, we are trying to foster the **mentoring** of our students in several ways, including through an innovative **mentor** program. [FN25] Before I describe that program, I need to be clear about three things:

First, our **mentor** program has nothing in common with typical **mentor** programs that law schools or law firms sponsor. It is emphatically not a “take a young lawyer to lunch” program. As I will describe, it is a highly structured, highly

demanding program in which St. Thomas has invested hundreds of thousands of dollars and thousands of hours of faculty, staff, and student time.

Second, our mentor program does not provide the type of “real” mentoring that I was describing in my Minnesota Law Review article. We cannot provide hundreds of students with sustained, long-term, daily contact with a senior attorney in a wide variety of settings. What we can do is provide our students with at least some of the benefits of a true mentoring relationship and increase the chances that our students will find such a relationship sooner rather than later.

Finally, although the mentor program was my idea--and although I am responsible for its broad outlines--I cannot stress enough that the program would not exist but for the work of two outstanding individuals. The first is my colleague, Professor Neil Hamilton. Neil was the perfect person to bring the mentor program to life. Probably a third to a half of the lawyers in Minnesota have been taught by Neil--either during his twenty-one years as a professor at William Mitchell College of Law or at one of the many continuing legal education events that he has addressed--and, as far as I can tell, every one of Neil's former students likes and respects him. Over the past two years, Neil has poured hundreds of hours into developing the mentor program, and he deserves the lion's share of the credit for its success. The second person who deserves a great deal of credit is Lisa Brabbit. Lisa gave up a successful legal practice in the Twin Cities in order to direct *880 our **mentor** program. She has improved the program in many ways, from helping us greatly to expand and diversify our pool of **mentors**, to bringing our program into the electronic age. Lisa has become the lifeblood of the program. To a significant extent, this Article is a description of Neil's and Lisa's superb work.

In a nutshell, the **mentor** program works as follows:

Every St. Thomas student--first-year, second-year, and third-year--is assigned a **mentor** before the beginning of every school year. The **mentor** is an attorney or judge in the Twin Cities. For the 2003-2004 academic year, about 400 lawyers and 35 judges volunteered to serve as **mentors** (about 100 more than we needed). The **mentors** come from all sectors of the profession, and, on the whole, they have proven to be excellent role models. [FN26]

With respect to incoming first-year students, we simply assign **mentors** to them before they arrive. With respect to incoming second- and third-year students, we ask for and try to honor their preferences. Many students express preferences regarding practice areas (e.g., they ask for a **mentor** who practices family law or environmental law), practice settings (e.g., they ask for a **mentor** who practices in a large firm or public defender's office), or other factors (e.g., they ask for a **mentor** who is a working mother or for whom law is a second career).

Second- and third-year students can also request to remain with their **mentors** from the previous year. If the **mentor** agrees, those requests are almost always granted. Also, second- and third-year students can propose that particular attorneys--perhaps family friends or attorneys whom they met over the summer--serve as their **mentors**.

Participation in the **mentor** program is mandatory. If a student fails to meet the requirements of the program, he or she can be placed on academic probation (thereby forfeiting any scholarship that is contingent upon remaining in good academic standing). Moreover, a student is not permitted to graduate until he or she fulfills all mentor-program requirements.

The mentor program is composed of two basic parts: experience and reflection. I will address each separately.

*881 A. Experience

Every first-year student is required to do a minimum of four specific experiences and to spend a minimum of twelve

hours on mentor-program experiences. In other words, if a student accomplishes four experiences, but devotes less than twelve hours to them, the student has to do additional experiences until he or she reaches the twelve-hour threshold. Every second-and third-year student is required to do a minimum of five experiences and to spend a minimum of fifteen hours on mentor-program experiences. [FN27]

The experiences must come from a list that we provide to the mentors and students. First-year students can choose from a list of thirty-nine experiences, most of which are closely tied to the first-year courses. [FN28] Those experiences include such things as attending an argument before a federal or state appellate court, attending a civil or criminal motion hearing in a federal or state trial court, attending a meeting of a land-use planning or zoning commission, attending a deposition, observing a meeting between an attorney and an expert witness, reviewing with the mentor a draft of a contract that the mentor is in the process of negotiating, or reviewing with the mentor a demand letter that the mentor is about to send to a defendant or an insurance company. [FN29] An experience for which the student is paid or receives academic credit cannot count toward the requirements of the mentor program. [FN30]

Second- and third-year students can choose from a list of 113 experiences, which include the thirty-nine experiences on the first-year list, as well as many additional experiences that relate to upper-level courses, [FN31] or to no specific course at all. Those experiences include *882 such things as discussing with the **mentor** a partnership agreement or articles of incorporation that the **mentor** is drafting, reviewing with the **mentor** a federal securities filing for a public corporation, discussing with a judge the drafting of one of the judge's opinions, attending a public disciplinary hearing for an attorney accused of misconduct, assisting the **mentor** in drafting a protest of an IRS determination, sitting in on a meeting between a **mentor** and a client regarding estate planning, attending a domestic abuse hearing in family court, or assisting the **mentor** in drafting a title insurance commitment. [FN32]

Mentors and students are required to do at least two of these experiences together. With regard to the other experiences that a student must complete (recall that first-year students must complete at least four experiences and second- and third-year students must complete at least five), the student has several options: (1) The student can, of course, do those experiences with the mentor. (2) The mentor or the student can arrange for another attorney to do an experience with the student. For example, the mentor can ask one of his or her partners to take the student to a deposition. (3) The student can attend an experience at the law school. Every year, the mentor program brings a half-dozen or so experiences to campus. For example, the Minnesota Supreme Court holds arguments every year in our moot courtroom. Students can attend those experiences and have them count toward the mentor program requirements. (4) The student can do an experience on his or her own. For example, the student can walk down to family court and sit in on a domestic abuse hearing.

B. Reflection

The second major component of the program is reflection upon the experiences. We want students not just to do, but to think about what they are doing and why they are doing it. We try to accomplish this in several ways.

To begin with, students must meet with their mentors at the start of the school year and develop a Personal and Professional Development Plan. The Plan has three major components: (1) The Plan includes a personal ethics mission--a short description by the students of the kind of lawyers that they aspire to be and the ways that they intend to integrate their faith and values into their professional lives. (2) The Plan must identify at least two experiences that the **mentor** and *883 the student will do together. (3) The Plan must identify at least two issues that the **mentor** and the student will discuss together. The Plan must be submitted to the director of the **mentor** program by the first of October. [FN33] She reads every Plan to make sure that things seem to be on track for the students and **mentors**.

As noted, the **mentor** and the student are required to discuss two issues. Generally speaking, the **mentor** and the student can either debrief one of the experiences that the student has had or they can discuss an issue that is not related to any particular experience. To help **mentors** and students debrief the experiences, we provide templates of suggested questions. For example, the template relating to the experience of attending a deposition suggests that the **mentor** and the student discuss such questions as: (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 most common abuses that occur at depositions? How effective are the formal rules--such as [Federal Rule of Civil Procedure 30\(d\)\(1\)](#) [FN34] or [Federal Rule of Civil Procedure 30\(d\)\(3\)](#) [FN35]--at curbing such abuses? (5) If the mentor could change any of the rules governing the conduct of depositions, what rule would he or she change? Why?

We also provide templates to assist the mentors and the students to discuss issues that are not related to any particular experience. For example, we have a template for the issue of maintaining a healthy balance between life and work, which includes such provocative questions as: "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?"

As noted, mentors and students must debrief at least two experiences or discuss at least two issues every year. Of course, many mentor-student pairs choose to debrief more. Students are required to submit a 250-word summary of each of two such discussions.

***884** That covers discussions between mentors and students. We also provide opportunities for students to reflect upon their mentor program experiences with their professors and with their fellow students. First-year students are required to attend three "advisories." These are meetings between the first-year students and the faculty advisors who are assigned to them at the beginning of the school year. These advisories are attended not only by the faculty advisor and by the seven or eight students whom he or she advises, but by three upper-level students who have agreed to serve as peer advisors. At these meetings, first-year students are invited to reflect upon the mentor program experiences and the discussions they have had with their mentors.

Those second- and third-year students who do not serve as peer advisors to the first-year students are required to attend advisories with other second- and third-year students. They are required to attend only two advisories per academic year. These advisories are run by volunteer mentors rather than by faculty members.

Students are required to submit various written reports during the year. [FN36] I have already mentioned the Personal and Professional Development Plan and the 250-word summaries of discussions with the mentors. A couple of additional things are required: (1) In January, students must submit an interim report describing the experiences and discussions that they have had to date. This helps us to ensure that the program is working as it should for each mentor-student pair. Sometimes this helps us to catch and fix relationships that are not working or professionalism issues that have arisen. (2) In May, students must submit a final report describing in detail how they have met the requirements of the mentor program. (3) In May, mentors and students are also asked to fill out evaluations to help us improve the program.

IV. Assessing the Program

We are in the third year of our existence as a law school--and thus in the third year of the mentor program. To date, the mentor program has been a great success. Although there have been challenges--which I will identify below--on balance the program has been very well received by mentors and students. Probably nothing has generated more goodwill

for our law school among members of the *885 local bar.

A. Benefits

Among the benefits that we have experienced, or that we anticipate experiencing, are the following:

1. The mentor program has given our students substantial exposure to the practice of law. It has enabled our students to see court proceedings, to participate in client meetings, and to sit down with attorneys and dissect their work.

2. The mentor program is helping our students to develop the habit--we hope the life-long habit--of reflecting upon what they do. At the heart of our mission as a Catholic law school is helping our students to integrate their values-- including religious values--into their professional identities. The mentor program is one way that we are doing that.

3. The mentor program has enriched the classroom experience by providing context. Our students seem to understand more. They seem to ask better questions. They seem to be more willing to contemplate the ethical implications of the material. In class discussions, students frequently refer to things they have witnessed in the mentor program or to things they have been told by their mentors.

4. The mentor program has helped us to strengthen the sense of community within the law school. When I was at Notre Dame, I was assigned students to advise every year, but the program was entirely voluntary, and I barely spoke to most of my advisees. Our mentor program ensures that, at least three times per year, faculty sit down with their first-year advisees and engage in serious discussions. [FN37] This builds ties among first-year students, as well as between first-year students and their faculty advisors.

5. The mentor program has helped us to build ties between our law school and the surrounding legal community. We are a new law school, and thus we have no alumni to support us. Worse, we were greeted with hostility from some of the lawyers who had graduated from the other Minnesota law schools and perceived us as a threat to those schools.

The mentor program has done a great deal to help us win acceptance from the bar. In part, it has done so by bringing our people into *886 contact with the lawyers in town; it is always easier to dislike an abstract institution than a flesh-and-blood human being. And, in part, it has done so because the attorneys in town have been impressed by the program.

6. The mentor program has helped our students to meet a lot of lawyers, and that has helped our students in a number of ways, two of which relate closely to what I said in my Minnesota Law Review article. First, meeting a lot of lawyers helps our students to begin to feel grounded in the local legal community--and, through it, to the broader legal community. They begin to feel as though they belong. They begin to develop a sense of ownership. Second, meeting a lot of lawyers helps our students to get a sense of the unwritten rules that govern lawyer behavior in our community. One thing that came as a surprise to us is how many students did not understand even the most rudimentary requirements of acting like a professional--things like returning phone calls and showing up on time for appointments. Law schools do not do a good job of catching or correcting these professionalism problems. The mentor program has helped to fill that gap.

7. One unanticipated benefit of our mentor program is that it has helped our students find jobs. The program was emphatically not set up with career services in mind; to the contrary, students are specifically forbidden to ask their mentors for jobs. Through the mentor program, however, our students meet a lot of judges and lawyers, and many of those judges and lawyers end up volunteering career advice, assisting our students to find jobs, and even offering jobs to our students themselves.

8. Another unanticipated benefit of the mentor program is that it has helped us to recruit students. Schools tend to blur together for prospective students; the mentor program helps us to stand out, and students are generally quite attracted to the opportunities that the mentor program provides. Moreover, the mentor program has impressed lawyers in the community, and those lawyers, in turn, have recommended St. Thomas to their friends and family members who are considering applying to law school.

9. One benefit of the mentor program will not begin to be realized until next year. Every law school is desperate--or at least should be desperate--to find meaningful ways to involve its alumni in the life of the school. This is true for many reasons, not the least of which is that there is a high correlation between the degree to which someone is involved in a school and the amount of money that the person donates to the school. The problem for law schools is that there are not a lot of opportunities for alumni to become involved in their alma maters*887 in a meaningful way. The mentor program will present several hundred such opportunities for our alumni.

10. Finally, we hope that, in a small way, our mentor program is improving the profession. Several hundred Minnesota judges and lawyers are taking the time every year to reflect with law students about what they do and why they do it. This can only be good for the profession.

B. Challenges

Although the mentor program has been highly successful, challenges still remain.

1. One category of challenges relates to our efforts to strike the right balance between competing concerns. We want to require our students to devote sufficient hours to the mentor program to make it valuable, but not require so many hours that the students cannot get their other work done--or can get their other work done only by making themselves miserable. We want to require our mentors to devote sufficient hours to the mentor program to develop something like a mentor relationship with our students, but not require so many hours that we cannot get busy practitioners to volunteer to serve as mentors.

We want to strike the right balance between experiencing and reflecting. We do not want our students to rush through experiences like a high-speed bullet train rushing past small hamlets. At the same time, we do not want our students to spend endless hours gazing at their navels--especially because, as newcomers to the profession, they do not have a lot of knowledge or experience to reflect upon.

Finally, we have struggled to strike the balance between giving enough choices in experiences to provide needed flexibility, while, at the same time, not giving so many choices that we lose consistency. The mentors and students always push for more options, as that makes it easier for them to do the required number of experiences. But the more options we provide, the more variation there will be in the quality of experiences. All of this has required a lot of tinkering and will continue to require tinkering in the future.

2. A second category of challenges relates to the need to maintain the quality of the program. This is absolutely critical. Lawyers are a demanding group, and we are asking them to volunteer their time. They will quickly lose patience if they sense that the program is not well-conceived and well-administered. Likewise, we do not give credit or grades for the program; students will fully embrace it only if they *888 are convinced that they get something worthwhile from it. The need for quality control has meant several things:

First, every mentor-student relationship has to be monitored during the year so that we can intervene if one of the re-

relationships fails or if the program is not working as intended. This requires a lot of effort by our students--who must submit the written materials that I described--and our mentor program director--who must read every one of the plans, summaries, interim reports, and final reports. Second, the mentor program creates a substantial data-management problem. Not only does it take a lot of work to keep track of which students do which experiences when, it takes a lot of work just to make sure that we have the current addresses and phone numbers of the hundreds of people who participate in the program each year. Finally, running the mentor program takes a lot of hand holding. Lisa Brabbit spends a great deal of time with problem students and problem mentors. Last year, for example, she logged over 1000 student contacts. The bottom line is that a successful program requires a huge investment of time and money--and none of that investment shows up in U.S. News rankings.

3. There are a few other challenges that I want briefly to identify:

One obvious challenge is the constant need to recruit **mentors**. When our student body reaches its projected size of 450, [FN38] we will need more than 450 **mentors** every year (as a handful of **mentors** always drop out of the program during the year). We retained about 75% of our **mentors** from last year. We expect that this retention rate will rise, but, even if it does, we will still need to recruit close to 100 new **mentors** every year. Most of this recruiting has to be done one-on-one; it is incredibly time-consuming. After we have our own alumni, though, recruiting **mentors** should become easier.

Another challenge is to do a better job of making **mentors** feel part of our community. We have done a few things--such as inviting our **mentors** to events at the school and offering free continuing legal education courses to them--but we want to do more.

Yet another challenge is to give our students the blocks of unscheduled time that they need to fully participate in the mentor program. The interaction between the demands of the mentor program and the strict attendance policies of some of our faculty has been a sensitive issue. Under our current policies, students are entitled to one excused absence in every class for mentor-related activities, but some *889 students are reluctant to miss class (even if the absence is excused), and others believe that one absence per class is not sufficient.

A final challenge relates to the attorney-client privilege and work-product doctrine. Some of the activities of our mentors and students at least raise the question of whether the protection of the attorney-client privilege or work-product doctrine has been compromised. This is a gray area; we can do little more than give our mentors information about the legal issues and ask them to use their best judgment. [FN39]

4. There is one final challenge that I wish to touch upon. We would like to give academic credit to students for all of the work that they put into the mentor program. We have not given credit to date, both because we wanted to work the major kinks out of the program before making it for-credit, and because, like most schools seeking American Bar Association ("ABA") accreditation, we did not want to do anything that might make the ABA uncomfortable. Now that we have worked out the major kinks, and now that we have received provisional ABA accreditation, we are likely to start giving credit for the mentor program. To comply with ABA standards, though, we will have to make some changes to the program, including adding a classroom component (likely taught by adjunct faculty) and increasing the amount of faculty supervision of the "field work."

V. Conclusion

To paraphrase Mark Twain, legal ethics is a bit like the weather, in that everyone talks about it, but no one does any-

thing about it. At St. Thomas, we are trying to do something about it. Our mentor program is unquestionably innovative--there is nothing like it anywhere in America--but only time will tell if it will be successful in helping our students to develop into ethical lawyers. At this point, though, we are optimistic.

[FNa1]. St. Thomas More Chair in Law, University of St. Thomas (Minnesota) School of Law. I am grateful to Lisa M. Brabbit, Neil W. Hamilton, and Elizabeth R. Schiltz for their comments on a prior draft of this Article.

[FN1]. Patrick J. Schiltz, [Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney](#), 82 *Minn. L. Rev.* 705 (1998).

[FN2]. *Id.* at 713.

[FN3]. *Id.* at 717.

[FN4]. *Id.* at 718.

[FN5]. *Id.* at 713.

[FN6]. *Id.* at 718-19.

[FN7]. *Id.* at 719.

[FN8]. *Id.* at 719-20.

[FN9]. *Id.*

[FN10]. *Id.*

[FN11]. *Id.* at 729-39.

[FN12]. *Id.* at 738.

[FN13]. *Id.* at 736.

[FN14]. *Id.* at 735.

[FN15]. *Id.* at 713.

[FN16]. *Id.* at 739-46.

[FN17]. *Id.* at 752-74.

[FN18]. *Id.* at 739-46.

[FN19]. I have written at considerably greater length about the legal profession's growing obsession with material wealth and the impact of that obsession on the health, happiness, and ethics of attorneys. See Patrick J. Schiltz, [On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession](#), 52 *Vand. L. Rev.* 871, 895-902 (1999); see also Patrick J. Schiltz, [Provoking Introspection: A Reply to Galanter & Palay](#), Hull, Kelly, Lesnick,

McLaughlin, Pepper, and Traynor, 52 Vand. L. Rev. 1033, 1043-50 (1999).

[FN20]. Schiltz, *supra* note 1, at 740.

[FN21]. *Id.* at 763.

[FN22]. *Id.* at 751.

[FN23]. *Id.* at 771.

[FN24]. *Id.* at 787-92.

[FN25]. We are also trying to foster mentoring by, for example, keeping our student-faculty ratio at 12.5:1--one of the lowest in the nation--and hiring professors with proven track records as dedicated mentors.

[FN26]. Almost all of our mentors were recruited because they were known by Neil Hamilton, Lisa Brabbit, or another member of our faculty or staff to be ethical attorneys. As the size of our student body grows, we will need more mentors, but we will also have alumni to draw upon, which should help us to maintain the high quality of our mentors.

[FN27]. During 2002-2003, first-year students did an average of 7.4 experiences and second-year students did an average of 8.6. (We did not yet have a third-year class.)

[FN28]. First-year students are currently required to take Civil Procedure, Contracts, Lawyering Skills I, and Torts in the fall, and Constitutional Law, Criminal Law, Lawyering Skills II, and Property in the spring.

[FN29]. In addition to the specified experiences, students may do a “wild card” experience (an experience that the mentor would like the student to observe and that is not otherwise listed) or a “director-approved” experience (an experience that the student would like to observe, that is not on the list of experiences, and that is approved in advance by the director of the mentor program).

[FN30]. St. Thomas also has a mandatory public service program. All students are required to perform at least fifty hours of public service before graduating. Hours that count toward the public-service requirement cannot count toward the mentor-program requirement and vice-versa.

[FN31]. Students are required to take Business Associations, Evidence, Federal Income Taxation, Jurisprudence, Lawyering Skills III, and Professional Responsibility in either their second or third year. We also offer several dozen elective courses.

[FN32]. Second- and third-year students also have available a wild card experience and a director-approved experience. See *supra* note 30.

[FN33]. Plans may be revised throughout the year.

[FN34]. Fed. R. Civ. P. 30(d)(1) provides that “[a]ny objection during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner” and that “[a] person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation directed by the court, or to present a motion [for a protective order].” Both provisions are widely violated in practice.

[FN35]. Fed. R. Civ. P. 30(d)(3) permits courts to impose for “any impediment, delay, or other conduct [that] has frus-

trated the fair examination of the deponent.”

[FN36]. All reports can be submitted electronically through the mentor program web log available on St. Thomas's website.

[FN37]. I should add that what Neil Hamilton likes to call the “buy-in” of our full-time faculty--their willingness to participate in the mentor program, which demonstrates to the students that the program is not just an “add-on”-- has been critical to the program's success.

[FN38]. We intend to enroll 150 full-time day students in each of our three classes. We have no plans for a part-time or evening program.

[FN39]. We have provided a research memorandum on this topic to our mentors and students. The memorandum does not make any specific recommendations, but it does identify the relevant issues and discuss the relevant law. It also provides a sample “agency relationship agreement” for those mentors who wish to have their students sign one. Professor Ursula Weigold of our faculty has recently completed a draft of an article on these issues, which we will likely provide to our mentors in the future. I should stress, though, that the vast majority of approved experiences--such as attending a court hearing or deposition--do not implicate either the attorney-client privilege or work-product doctrine. As a result, concern about waiving these legal protections has not had much impact on the mentor program.

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