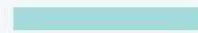


**HAGEMANN-MORRIS**

**YOUNG  
LAWYER  
MENTORSHIP  
COIN  
PROGRAM**

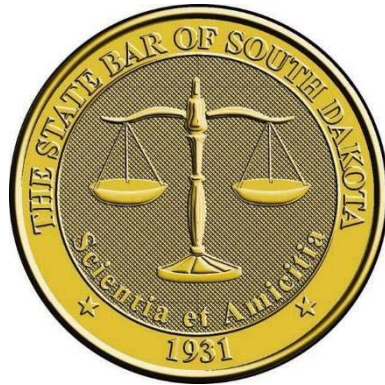
**STATE BAR OF  
SOUTH DAKOTA**



**A GUIDEBOOK**



# August 2022 Second Edition



## *“Knowledge & Friendship”*

The State Bar of South Dakota Young Lawyers Section supports the integration of newly admitted members of the Bar into both the Association and the legal profession. The Section plans meetings, provides materials, and sponsors educational and social programs to assist young lawyers .

As part of this programming, the Young Lawyers Section oversees a Mentor Program, the Hagemann-Morris Mentorship Coin Program. Through this program, the Young Lawyers Section Board of Directors matches young lawyers with mentor lawyers within our State Bar. Young lawyers may either apply for a mentor or reach out to a specific attorney on their own to request his or her mentorship. This guidebook may be used to assist the pair on their mentorship journey.

The Young Lawyers Section values your input and wants to know if the program was beneficial to you and how it can be improved. The program is meant to assist Young Lawyers and we hope it is a positive experience for all. The Young Lawyers Section Board of Directors are always available to provide guidance and support to both the mentors and Young Lawyers. Should you have any questions or concerns regarding the Program, contact the State Bar of South Dakota at (605) 224-7554.



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## PROGRAM OVERVIEW

The objective of this program is to pair Young Lawyers with mentors who share a common interest and who will provide frank, candid, and insightful guidance to the Young Lawyer. The Young Lawyer may be any licensed attorney qualifying as a Young Lawyer in South Dakota. The Young Lawyer may present the Mentor Coin to his/her Mentor as an invitation for mentorship and acknowledgment of trust in such Mentor. Our hope is that the mentoring relationship accomplishes the following objectives:

1. To foster the development of the Young Lawyer's practical skills and increase his or her knowledge of legal customs;
2. To create a sense of pride and integrity in the legal profession;
3. To promote collegial relationships among legal professionals and involvement in the organized bar;
4. To improve legal ability and professional judgment; and
5. To encourage the use of best practices and highest ideals in the practice of law.

## SUGGESTED MENTORING PLAN

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The mentor and Young Lawyer as legal professionals have the tools, intellect, and understanding as to what is important to each of them in obtaining satisfaction from the Hagemann-Morris Young Lawyer Mentorship Coin Program. With that, it is helpful to create a Mentoring Plan. During your first meeting, you can discuss your particular goals, objectives, and game plan. To assist in developing your Mentoring Plan, the following worksheets, plans, and activities have been developed by the Young Lawyers Board.

## SUGGESTED FIRST MEETING OF MENTOR AND MENTEE

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### **Set Goals:**

The Young Lawyer should articulate his or her specific goals for the mentoring relationship to assist in the development of a meaningful personalized mentoring plan. Discuss together three or more goals the Young Lawyer has for the mentoring relationship.



Keep in mind that a goal is something that one wants to achieve - an objective. A Young Lawyer reflecting on his or her goals for the mentoring program might complete the following statements:

- a. I am most interested in the following mentoring plan activities...
- b. I want to achieve the following personal development goals within a year...
- c. I need to know more about...
- d. I want to strengthen the following skills...
- e. In five to ten years, I see myself doing...

The Young Lawyer and mentor should discuss the specific activities and experiences in the mentoring plan to develop a personalized plan that they will complete together by the end of the mentoring term.



## SAMPLE GOALS & CALENDARING WORKSHEET

Young Lawyer goals for the mentorship:	
DATE OF MEETING	ITEM(S) DISCUSSED
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

## SUGGESTED MENTORING EXPERIENCES

### UNIT ONE

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- ⚖️ Meet at the Mentor's law office and introduce the Young Lawyer to other members of the Mentor's firm and staff. Explain how the Mentor's law office is managed. Identify resources for the Young Lawyer to find law office management information.
- ⚖️ Discuss the UJS Odyssey system.
- ⚖️ Introduce as feasible the Young Lawyer to other lawyers in the community.
  - Attend a bar association meeting together. Discuss local, state and national bar association opportunities and the advantages of involvement.
  - Escort the Young Lawyer to the local courthouse(s) where the Young Lawyer will primarily be appearing, and, to the extent appropriate, introduce Young Lawyer to members of the judiciary, court personnel, and clerks of court.
- ⚖️ Escort the Young Lawyer to the local jail(s) and explain jailhouse visit procedures.
- ⚖️ Discuss the dynamics of relationships between members of the Bar.
  - Discuss appropriate ways (including ethical concerns, etiquette, etc.) to deal with counsel on behalf of your client.
  - Discuss "unwritten" customary rules of civility and etiquette among lawyers and judges in the community.

### UNIT TWO

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- ⚖️ Acquaint the Young Lawyer with Legal Aid, State Bar Access to Justice (“A2J”); local pro bono agencies and other pro bono, civic, and charitable opportunities. Discuss why and how to engage in volunteer service despite a busy practice.
- ⚖️ Discuss the South Dakota Rules of Professional Conduct.
  - Discuss potential resources for dealing with complicated ethical issues, including conflicts of interests.
  - Discuss benefits of carrying malpractice insurance; requirements of disclosure if you do not carry malpractice insurance; and lawyers’ obligations in the event of the failure to disclose.






- Discuss the appropriate way to handle the Young Lawyer's belief that another lawyer (both in and outside the Young Lawyer's firm) has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where the Young Lawyer has been asked by a senior member of the firm to do something that is unethical or unprofessional.

## UNIT THREE

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 Discuss techniques for finding a balance between career and personal life, putting daily pressures into perspective, reconciling job expectations with actual experience, and maximizing career satisfaction.

- Discuss substance abuse and mental health issues, including warning signs; what to do if the Young Lawyer, a colleague, or a superior is faced with these issues; and the resources for assistance with these issues.<sup>1</sup>
- Discuss practical ways to manage law school debt.

 Discuss common law practice management issues.

- Discuss good time management skills and techniques.
- Discuss roles and responsibilities of paralegals, secretaries, and other staff and establishing good working relationships with staff and colleagues.
- Discuss how to prevent issues of unauthorized practice of law with staff.
- Discuss the importance of planning ahead for the handling of a lawyer's practice in the event of the lawyer's retirement, death or disability.
- Discuss the issues surrounding leaving a firm, such as how to protect oneself, advising clients and withdrawing from cases.

 Discuss client selection and client control.

- Discuss how to screen for, recognize, and avoid conflicts.
- Discuss the best ways to evaluate a potential case and how to decide whether to accept a proffered representation.

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<sup>1</sup> Resources are available through the State Bar of South Dakota Lawyers Assistance Committee, Sand Creek Member Assistance Program, SOLACE, Disability Rights South Dakota, and the State Bar related group Lawyers Concerned For Lawyers.



- Discuss successful client development methods and other business development techniques, including any relevant ethical concerns and the most professional practices.
- Discuss how to deal with a "difficult" client.
- Discuss the importance of client communication and maintaining good communication, including the use of retention and fee agreements, keeping clients informed, confirming in writing, and punctuality.
- Discuss proper legal counseling techniques and the duties and responsibilities of advising clients.
- Discuss common malpractice and grievance traps (particularly in the Young Lawyer's practice area) and how to recognize and avoid common pitfalls.
- Discuss practices to maintain client confidentiality.
- Discuss the responsibilities of the client and the lawyer in decision-making, and the best ways to involve a client in their case.

## UNIT FOUR

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### Discuss common tools of case development.

- Discuss techniques for investigating the facts of a case.
- Discuss tips for preparation for and proper behavior during depositions.
- Discuss the most important points about negotiation with another lawyer and potential issues associated with negotiations.
- Discuss the types of alternative dispute resolution and the benefits and disadvantages of each. Discuss the general techniques involved with each.

### Discuss motions practice and oral advocacy.

- Discuss relevant techniques for effective legal writing, avoiding common mistakes leading to rejected pleadings, the effective use of sample legal pleadings and forms, and techniques for efficient legal research.
- Observe (in person or online) an appellate or motion argument in the Supreme Court of South Dakota; South Dakota Circuit Court; and U.S.



District Court for South Dakota, and discuss techniques and tips for effective oral argument.

## SUGGESTED ACTIVITIES BASED ON PRACTICE AREAS

### ALTERNATIVE DISPUTE RESOLUTION

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- Discuss difference between mediation and arbitration and reasons to select each
- Discuss different styles of mediation – facilitative, evaluative, transformative
- What is client self-determination?
- Attend mediation
- Discuss mediator choice – personality, experience (overall and in practice area)
- Review mediation process – initial letter, mediation agreement, pre-mediation submissions and contact with mediator, mediation session, following mediation
- Recommend best journals or periodicals to read/subscribe
- Attend a CLE program
- Design and present a CLE program together
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

### CIVIL LITIGATION

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- Attend a Supreme Court oral argument
- Attend a scheduling hearing, motions hearing, pretrial conference, or other hearing
- Attend a trial
- Review juror questionnaires and attend voir dire for jury selection
- Attend a deposition
- Discuss tips on how to value cases
- Recommend best journals or periodicals to read/subscribe
- Review recent jury verdict trends and trial outcomes
- Attend a CLE program
- Design and present a CLE program together
- Tour the courthouse, with introductions to judges and staff
- Invite one other lawyer to join you for breakfast to introduce to the Young Lawyer
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

### CRIMINAL LAW

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- Shadow Mentor at arraignment, probable cause, sentencing, and/or trial
- Tour local jail and prison
- Observe misdemeanor court
- Review specific rules governing discovery in criminal matters
- Advise the Young Lawyer on how to deal with clients with a mental illness
- Introduce the Young Lawyer to prosecutors, public defenders, and defense attorneys



- Discuss plea bargaining process
- Attend a CLE program
- Design and present a CLE program together
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

## **EMPLOYMENT LAW**

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- Review and discuss EEOC process
- Discuss ERISA issues
- Discuss employment contract issues
- Discuss covenants not to compete, no solicitation, and nondisclosure agreements
- Discuss discrimination issues and wrongful termination claims
- Attend hearing before Department of Labor
- Assist the Young Lawyer in drafting sample HR handbook
- Recommend best journals or periodicals to read/subscribe
- Attend a CLE program
- Design and present a CLE program together
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

## **FAMILY LAW**

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- Attend initial client consult meeting
- Review standard language in Parenting Plans
- Discuss relief available for married vs unmarried parties, and the different venues
- Review civil union laws and other new legislation
- Attend a deposition
- Attend a trial
- Review child support guidelines and how they are applied
- Discuss “blurring” of professional lines between advocate and counselor
- Discuss when/how to suggest therapy or other support systems to clients
- Discuss ethical considerations in dealing with clients with mental health issues
- Review discovery guidelines
- Review statutory and case law governing domestic violence petitions
- Familiarize the Young Lawyer with resources available to families in crisis
- Recommend best journals or periodicals to read/subscribe
- Assist the Young Lawyer in preparing clients for a crowded family law cases docket
- Attend a CLE program
- Design and present a CLE program together
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

## **REAL ESTATE**

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- Attend hearing for partition of real estate, petition to quiet title, and other hearing



- Discuss contract law principles
- Attend a closing
- Discuss mortgage foreclosures
- Provide advice as to best industry journals or periodicals to which to subscribe
- Discuss eviction procedures
- Review and discuss a title insurance policy
- Discuss trends and practical considerations in sales of residences
- Visit local registry of deeds
- Attend a CLE program
- Design and present a CLE program together
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

## **WILLS & TRUSTS**

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- Attend hearings addressing the interpretation, modification, administration, and termination of trusts, and or proving of a will.
- Sit in on initial client meeting
- Hear cases involving wills, trusts, estates, guardianship and more
- Assist the Young Lawyer in preparing simple will
- Visit probate clerk's office and to court
- Address unusual planning issues, such as drafting will for SD resident who intends to relocate to a different state
- Discuss how to determine when to refer clients to third parties, such as tax planners, or to other attorneys with higher level of experience
- Discuss potential pitfalls in drafting wills for friends
- Recommend best journals or periodicals to read/subscribe
- Attend a CLE program
- Design and present a CLE program together
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

## **WORKERS COMPENSATION**

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- Discuss compensation structure for representation – contingency vs hourly
- Discuss how to build a claimant's case and good file management
- Provide information on how best to request medical records for client
- Attend administrative hearing
- Provide advice as to best journals or periodicals to read/subscribe
- Attend a CLE program
- Design and present a CLE program together
- Attend local Bar functions and section meetings
- Introduce the Young Lawyer to resources available to address questions

## ADVICE & RESOURCES

### TIPS FOR MENTORS

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- Take the early initiative to reach out and express your openness and availability. Your mentee should make the initial contact, but many Young Lawyers may be hesitant to impose a burden on their mentors.
- Set both expectations and boundaries early on. At the initial meeting, set a regular date/time for your monthly meetings. Inform your Young Lawyer about the best time to call with questions or issues.
- Listen to your Young Lawyer's concerns and, especially in the beginning, draw out those concerns that the Young Lawyer may be reluctant to raise.
- Recognize that Young Lawyers may differ in what they hope and need to get out of a mentoring relationship. Adjust your own approach to assure you are providing your Young Lawyer with what he or she is seeking, rather than your perceived role.
- Create a safe environment for the Young Lawyer's growth by being accessible and non-judgmental, keeping confidences, and inviting open and frank conversations.
- Acknowledge the issues facing Young Lawyers who are ethnic minorities, or who may face particular challenges because of their religion, sexual orientation, economic status, national origin or age.
- Use your friends and colleagues. No one bar member can be all things to a Young Lawyer. Reach out to your fellow bar members to expose your Young Lawyer to a diversity of experience, approach, style and perspective.
- Remember that the only dumb question is the one that isn't asked. Encourage your Young Lawyer to ask, ask, ask. Be respectful and responsive with your answers.
- Your responsibility is not to direct or supervise your Young Lawyer's work but to coach and guide for the development of professional values and skills.
- Share your experience and talent freely. Be the role model you would want.
- Be candid about some of the humbling experiences you have had as a lawyer and encourage the Young Lawyer to openly discuss their difficulties.
- Take the time to develop a meaningful mentoring relationship. At its best, this relationship is an opportunity for mutual learning and growth.
- Bear in mind the program's goals. In the rare event that a Young Lawyer is displaying poor professional habits, consider the best possible mentoring approach to address these issues for the long term health of both this Young Lawyer and the bar. Seek guidance from other experienced mentors. The goal is to develop all Young Lawyers in the highest ideals of professionalism. Simply withdrawing from the program could be a missed opportunity, and could defeat the larger purpose of public good behind your service.

### TIPS FOR MENTEES

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- Start by setting a regular schedule. The initial meeting should establish a set schedule for monthly meetings if possible. Flexibility will be required at times,





but a regular meeting time will develop the mentoring relationship more quickly and progress the curriculum more reliably.

- Be respectful of your mentor’s time. Be prompt and give plenty of notice if you need to reschedule a meeting. Make good use of your meeting time; come prepared with a list of things you want to discuss.
- Your mentor’s “war stories” can be valuable learning tools, especially if you can relate them to a situation of your own.
- Ask questions! Don’t let your ego get in the way of accepting feedback and constructive criticism from your mentor.
- Do not cover up a challenge. Young Lawyers will make mistakes. It is inevitable. First acknowledging a problem and then correcting it will avoid any snowball effect or worse – impact on clients or colleagues. Your mentor could be an invaluable ally in helping through these challenges. Use your mentor as a resource, particularly in the more challenging circumstances.
- Build multiple mentor relationships; your mentor will not be able to advise you in every aspect of your professional or personal life. Develop effective networks with peers, other lawyers in and outside your workplace, judges, family and friends.
- Your reputation in the community will be based on your interactions with your mentor, your clients, your work colleagues, opposing counsel, court staff and judges. Nurture it and guard it jealously.
- Address any problems in the mentoring relationship promptly. The court and the bar want this to be as useful and valuable an experience as possible. If for any reason, the program or the mentoring relationship is not meeting your needs, contact the staff to begin working toward a resolution. This program is intended as a service, not a burden. Changes will be made promptly to address your needs.

## LINKS & RESOURCES

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### GENERAL

State Bar of South Dakota – [www.statebarofsouthdakota.com](http://www.statebarofsouthdakota.com)

Unified Judicial System – <http://uj.s.sd.gov/>

United States Courts – <http://www.sdd.uscourts.gov/>

South Dakota Legislature – <http://www.sdlegislature.gov/>

SD Secretary of State – <https://sdsos.gov/business-services/default.aspx>

### LEGAL SERVICES

Access to Justice, Inc. – [www.statebarofsouthdakota.com/access-to-justice](http://www.statebarofsouthdakota.com/access-to-justice)

SD Lawyer Referral Service – [www.findalawyerinsd.com](http://www.findalawyerinsd.com)

East River Legal Services – [www.erlservices.org](http://www.erlservices.org)

Dakota Plains Legal Services – [www.dppls.org](http://www.dppls.org)

SD Law Help – [www.sdlawhelp.org](http://www.sdlawhelp.org)

UJS Law Help - <http://ujslawhelp.sd.gov>



Disability Rights South Dakota – [www.drdsdlaw.org](http://www.drdsdlaw.org)

SD Network Against Family Violence – <https://sdnafvsa.com/home/>

ACLU – <https://www.aclusd.org/>

Lutheran Social Services - <https://www.lsssd.org/>

USD Law Federal Tax Clinic - <https://www.usd.edu/law/experiential-learning/federal-tax-clinic>

Attorney General's office – [www.atg.sd.gov](http://www.atg.sd.gov)

SD Guardianship Program - <https://dhs.sd.gov/guardianship/default.aspx>

Division of Human Rights - [http://dlr.sd.gov/human\\_rights/default.aspx](http://dlr.sd.gov/human_rights/default.aspx)

## PROGRAM HISTORY

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### Concept Based Upon Military Challenge Coin

The history of military coins allegedly dates back to the World War I. During World War I, American volunteers from all parts of the country filled the newly formed flying squadrons. Some were wealthy young men who left colleges such as Yale and Harvard in order to enlist in the military. In one squadron, a wealthy Lieutenant ordered solid bronze medallions embossed with the squadron emblem for every member of his squadron. He carried his medallion in a small leather sack about his neck. Shortly after acquiring the medallions, the Lieutenant's aircraft was severely damaged by ground fire during a mission. He was forced to land behind enemy lines where he was captured by a German patrol.

In order to discourage his escape, the Germans took all of his personal identification except for the small leather pouch around his neck. He was eventually taken to a small French town near the front lines where he managed to escape during a night bombardment. During the attack, he donned civilian clothes and fled without personal identification. After escaping, the brave pilot succeeded in avoiding German patrols until he reached the front lines. With great difficulty, he crossed no-man's land and stumbled into a French outpost.

Unfortunately, the French in this sector had been plagued by German saboteurs, who sometimes masqueraded as civilians and wore civilian clothes. Not recognizing the young pilot's American accent, the French thought him to be a saboteur and made ready to execute him. Just in time, the American remembered his leather pouch containing the bronze medallion. He showed the medallion to his would-be executioners. When the French captors recognized the squadron insignia on the medallion, they gave the pilot enough time to confirm his identity. Instead of shooting him, they gave him a bottle of wine. Eventually the pilot made it back to his squadron, where it became a tradition to ensure all members carried their medallion or coin at all times.

### Use of Challenge Coins Today



Military challenge coins are also known as military coins, unit coins, memorial coins, unit challenge coins, or commander's coin. The coin represents affiliation, support or patronage to the organization minted on the coin. The challenge coin is a treasured and respected representation of the organization minted on the coin.

Commanders use specially minted military coins to improve morale, foster unit esprit and honor service members for their hard work. The symbolism of a unit's challenge coin represents integrity, dedication to the core values of the unit, excellence, and service before self.

Challenge coin rules only apply to other individuals who also have a challenge coin. A holder of a challenge coin may "challenge" any individual who is known to have a coin. A challenge is made by withdrawing a coin and raising it in the air or by tapping it on a bar or table. The individual who is challenged is required to produce his or her coin within 60 seconds. If the individual produces the coin, the challenger is obligated to buy the individual a beverage or any other agreed upon reward. If the challenged individual fails to produce the coin, he or she is obligated to buy the beverage or other reward. If a coin is dropped and it hits the floor, the owner is obligated to buy beverages for anyone who hears or sees the coin hit the floor (provided they have their coin on them). Coin challengers are known to strike anywhere at any time!

### **Creation of State Bar of South Dakota Young Lawyer Mentor Coin Project**

2009 – 2010 State Bar President Bob Morris, and 2009 – 2010 Young Lawyer President, Sarah Sharp Theophilus, collaborated to create which was originally named the South Dakota State Bar Young Lawyer Mentor Coin Project and associated program. In April 2010, the Young Lawyer Board officially changed the name of the project to the “Hagemann – Morris Young Lawyer Mentorship Coin Program” in honor of the mentorship relationship between Bob and his “classic mentor,” the late University of South Dakota Law School Professor, John F. Hagemann.

It is our hope and desire that the Mentor Coin ultimately becomes a much-desired symbol of affiliation among members of the State Bar. We hope that the Mentor Coin becomes a treasured and respected representation of “Knowledge and Friendship” as between the Mentor and the Young Lawyer.

On the “flip side,” it is also our desire that the Mentor Coin will represent integrity, dedication to the core values of the law, excellence in the profession, and service to our profession and community before self.

Bob Morris  
Co-Founder, 2009  
President

Sarah Sharp Theophilus  
Co-Founder, 2009  
President, Young Lawyers

## FINAL WORDS AND ACKNOWLEDGEMENTS

Many thanks to the volunteer member-attorneys who helped establish the Mentorship Program and compile this guidebook: Bob Morris, Sarah Sharp Theophilus, Elizabeth Overmoe, Josh Wurgler, Nicole Tupman, Kim de Hueck, Nathan Chicoine, Mike McKnight, and Rebecca Mann. Your leadership in this program is invaluable.

The State Bar of South Dakota wishes our new attorneys much success as you embark on your legal career. And we thank those attorneys who choose to mentor you along the way.

Please remember that we are here to assist you by providing support through ethics assistance, CLE programming, case updates, and numerous member benefits. If you have questions regarding your State Bar membership, please do not hesitate to contact us at (605) 224-7554.

