



Prosecuting Attorneys' Council of Georgia Transition Into Prosecution Program



Office: _____

Name of Beginning Lawyer: _____ Bar Number: _____

Name of Mentor: _____ Bar Number: _____

**MODEL MENTORING PLAN OF ACTIVITIES AND EXPERIENCES
FOR STATE AND LOCAL PROSECUTING ATTORNEYS'**

The **Transition Into Prosecution Program** has been approved by the Commission on Continuing Lawyer Competency (CCLC) pursuant to Rule 8-104 of the Rules of the State Bar of Georgia for use by state and local prosecutors in the State of Georgia to meet the requirements of the Transition Into Law Practice Program. The Program consists of two components: the **Model Mentoring Plan of Activities and Experiences for State and Local Prosecuting Attorneys** and the **Fundamentals of Prosecution Course**.

Questions regarding the Transition Into Prosecution Program should be directed to the State Bar of Georgia Transition into Law Practice Program Department (TILPP) via email at TILPP@gabar.org. Questions about the Fundamentals of Prosecution course should be directed to PAC via email at training@pacga.org.

This plan has been approved by the CCLC for use in state and local prosecutors' offices. It is intended to serve as a guide to assist the Mentor and Beginning Prosecutor. Many of the requirements have footnotes that are intended to explain how the requirement can be accomplished. The elected head of the office has the option to adopt the Model Mentoring Plan as approved or may modify the plan to develop a specific plan of activities which is tailored to meet the specific needs of the office (see Administrative Instructions).

Registering the Beginning Prosecutor and Use of the Model Mentoring Plan.

The beginning lawyer must register with Transition Into Law Practice Program by submitting the Transition Into Prosecution Mentoring Plan Registration form to TILPP@gabar.org. The registration form is found on the PACGA website under Training > Transition Into Prosecution Program. The form should be emailed directly to the Transition Into Law Practice Program at TILPP@gabar.org within thirty (30) days after the start of the mentoring year.

The **Administrative Instructions** for working this Plan can be found beginning on page 7.

Completion of the Model Mentoring Plan.

At the end of the mentoring year, the Mentoring Plan will serve as the Mentor's evaluative tool to determine if the Beginning Prosecutor has satisfactorily completed the mentoring program.

When this plan is completed, the mentor completes and submits the Completion Certificate (www.pacga.org > Training > Transition Into Prosecution Program) to TILPP@gabar.org.

Do not send this plan to PACGA; retain the original in the beginning prosecutor's personnel file.

¹ This edition replaces all previous versions of the Mentoring Plan.

Transition Into Prosecution Program

Prosecution Mentoring Plan of Activities and Experiences	
A. Introduction to the Legal Community	Initials & Date Completed
1. The District Attorney or Solicitor-General shall serve as the mentor or designate a qualified member of his or her staff to serve as the mentor ² to the Beginning Prosecutor within 10 working days of the decision being made to employ the Beginning Prosecutor. ³ The mentor will introduce the Beginning Prosecutor to other lawyers and staff members in the office.	
2. Invite as feasible the Beginning Prosecutor to attend a meeting of the local bar association ⁴ and discuss local, state and national prosecution and bar association opportunities. Introduce as feasible the Beginning Prosecutor to other lawyers in the community through the attendance of these meetings or similar events.	
3. Escort the Beginning Prosecutor on a tour of the local courthouse(s) and, to the extent practicable, introduce him or her to members of the judiciary, public defenders, other court personnel and clerks of court within the jurisdiction.	
4. Acquaint the Beginning Prosecutor with the role and function of the Prosecuting Attorneys' Council of Georgia and the services available from that agency.	
B. Introduction to Case Management	
1. The Mentor will introduce the Beginning Prosecutor to:	
(a) Case intake system;	
(b) Filing system;	
(c) Records retention schedules and document retention policies;	
(d) Calendaring of cases, motions and the "tickler" or other reminders system	
(e) Managing demands for trial	

² A qualified member of the staff is a prosecutor who has been appointed as a mentor by the Supreme Court of Georgia in accordance with the Regulations of the Commission on Continuing Lawyer Competency. The qualifications for appointment as a mentor can be found on the State Bar website, www.gabar.org. A "Beginning Prosecutor" is a lawyer who has been admitted to the practice of law in Georgia within the 12 months immediately following graduation from law school, who has not practiced law in another state and is employed as a prosecuting attorney. It also includes any prosecutor who served as a law clerk to a judge following admission to the practice of law and did not complete the Transition Into Law Practice Program while a judicial law clerk.

³ If the local bar association is not active or its functions are not accessible, the mentor may substitute any similar function where members of the bench and bar of the community are present for this requirement.

⁴ If the local bar association is not active or its functions are not accessible, the mentor may substitute any similar function where members of the bench and bar of the community are present for this requirement.

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(f) Information technology and case management system	
(g) Library and on-line research system	
(h) Other resources (publications, seminars, equipment, etc, that the Beginning Prosecutor will find helpful in his or her work.	
(i) Maintaining confidentiality of classified and other official use only information, including but not limited to GCIC/NCIC information, juvenile records, grand jury material, attorney work product, electronic surveillance products, confidential informants, and other state secrets.	
(j) Discuss the duties and responsibilities of the following personnel within the prosecutor's office: (1) office administrator or office manager (2) investigator (3) legal secretaries (4) victim advocate (5) other staff members	
C. Working With Law Enforcement, Victims and Witnesses	
1. Discuss the role of law enforcement in the investigation and prosecution of crimes. Explain how the prosecutor's office interacts with the various law enforcement agencies that operate within the jurisdiction.	
2. Discuss how to gather evidence and information for criminal cases and forfeiture cases. In particular discuss the legal and ethical rules for the proper use of subpoenas (grand jury, investigative, hearings and trial), search warrants, notices to produce, court orders.	
3. Discuss how to screen for, recognize and avoid conflicts of interest including: (a) the procedures to be followed when the Beginning Prosecutor or another member of the staff is disqualified in a particular case; and (b) the procedures to be followed when an attorney representing a defendant has a conflict of interest in a particular case.	
4. Discuss how to screen for, recognize and avoid conflicts of interest including: (a) the procedures to be followed when the Beginning Prosecutor or another member of the staff is disqualified in a particular case; and (b) the procedures to be followed when an attorney representing a defendant has a conflict of interest in a particular case.	
5. Discuss how to screen cases received by the office and to make charging decisions. If the Beginning Prosecutor is employed in a district attorney's office, discuss the role and functioning of the grand jury.	
6. Discuss the conditions that would make a case appropriate for pre-trial diversion. Explain the office policies that apply to pre-trial diversion.	

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7.	Discuss how to draft indictments, accusations, forfeiture complaints and juvenile delinquency petitions.
8.	Discuss how to deal with cases in which there has been inadequate investigation by the referring law enforcement agency or no investigation, in the case of citizen initiated warrants. This should include when and how to dismiss a case and how to obtain further investigation of a case.
9.	Acquaint the Beginning Prosecutor with the services available through the office victim advocate. Discuss how to interview witnesses (law enforcement, civilian) and how to interview victims of crimes, especially victims of domestic violence, sexual assault, the elderly, and child victims. Discuss how to interview and work with expert witnesses.
10.	If feasible, Discuss the role and function of the Division of Forensic Sciences of the Georgia Bureau of Investigation and other forensic laboratories that are used by the office. Schedule a time for the Beginning Prosecutor to visit a regional crime laboratory or the main lab in Decatur. ⁵
11.	Discuss "DO's and DON'TS" of maintaining good ongoing relations with law enforcement, victims, witnesses, the judiciary and the defense bar such as returning telephone calls and keeping victims informed about matters.
15.	Observe or conduct at least one child victim interview or a forensic interview of a child
D. Mandatory Advocacy Experiences	
1.	The mentor will monitor and facilitate the progress of the Beginning Prosecutor in completing the advocacy experiences required by Rule 8-104(D) of the State Bar of Georgia. ⁶ Following each experience, the mentor should discuss the context of the litigation experience. The following litigation experiences are required: ⁷

⁵ The purpose of this requirement is to ensure that the new prosecutor has a basic understanding of the operations of the Crime Lab. As a result of budget cuts, the Crime Lab has discontinued tours at the main lab in Decatur. However, they have created series of virtual tours that is available online. Mentors may allow the new prosecutor to view the videos in order to meet this requirement. They also should allow the new prosecutor to accompany another prosecutor to meetings with Crime Lab personnel.

⁶ Rule 8-104(D) of the State Bar of Georgia provides as follows:
 *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 participant in the Transition Into Law Practice Program admitted to practice after June 30, 2005, shall complete the mandatory Advocacy Experiences of the Transition Into Law Practice Program set forth in Regulation (5) hereunder. The mandatory Advocacy Experiences shall be completed as part of the Mentoring Plan of Activities and Experiences, except that up to three (3) of the five (5) mandatory Advocacy Experiences may be obtained after completion of 60% of the credit hours required for law school graduation and prior to admission to practice. At least two (2) of the mandatory Advocacy Experiences must be completed as part of the Mentoring Plan of Activities and Experiences.

As amended, Regulation (5) of the Commission on Continuing Legal Competency does not specify specific types of advocacy experiences that must be completed but allows the mentor to select advocacy experiences that are appropriate to the beginning lawyer's area of practice.

⁷ It is not necessary that the Beginning Prosecutor serve as the lead attorney in the case. See fn. 6 regarding appearing as lead counsel. Observation meets this requirement.

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E. Mandatory Advocacy Experiences	
1. At least one jury trial of a criminal case or a jury trial of a civil case brought by the prosecuting attorney. ⁸	
2. At least one non-jury trial in a criminal case or non-jury trial of a civil case brought by the prosecuting attorney. ⁹	
3. At least three (3) motion hearings in criminal or civil forfeiture cases. ¹⁰	
4. An actual or webcast of an appellate argument in the Supreme Court of Georgia or the Court of Appeals of Georgia. ¹¹	
F. Additional Litigation Experiences¹²	
1. The Beginning Prosecutor will attend the Fundamentals of Prosecution during the first year of practice. ¹³	

⁸ The civil case should be one which the prosecutor's office has the legal authority to bring. Examples of such cases would include a competency to stand trial hearing (O.C.G.A. § 17-7-130), civil asset forfeiture case, a public nuisance action or an action to levy on property in order to collect a fine or restitution pursuant to O.C.G.A. §§ 17-10-20 and 17-14-1, et seq. If the office does not have jurisdiction to bring civil actions, enter "N/A."

⁹ The civil case should be one which the prosecutor's office has the legal authority to bring. Examples of such cases would include a competency to stand trial hearing (O.C.G.A. § 17-7-130), civil asset forfeiture case, a public nuisance action or an action to levy on property in order to collect a fine or restitution pursuant to O.C.G.A. §§ 17-10-20 and 17-14-1, et seq. If the office handles child support actions, they also meet this requirement.

¹⁰ See fn. 8 above.

¹¹ May be completed while in law school after completing 60% of the credit hours required by graduation or while admitted under the Law School Graduate program of the Georgia Supreme Court. This provision does not require that the Beginning Prosecutor actually handle a case on appeal; observation is sufficient. The Georgia Supreme Court normally broadcasts all oral arguments held in Atlanta via the Internet. To view an oral argument on-line, go to the Court's web page, <http://www.gasupreme.us/>, and click on Calendar & Summaries and then the current year. The link to the video feed is contained on the calendar for the current month. In addition, the Supreme Court normally keeps at least one oral argument available on its website under the News section.

NOTE TO MENTOR: When reviewing this requirement with the Beginning Prosecutor, the mentor should verify that the Beginning Prosecutor has been admitted to practice before the Georgia Supreme Court and the Georgia Court of Appeals. State law requires that assistant district attorneys and assistant solicitors-general be admitted to practice in the state appellate courts. See O.C.G.A. § 15-18-21(b) or 15-18-72(a). If the Beginning Lawyer has not been admitted to practice in the state appellate court, direct the Beginning Prosecutor to contact the respective Clerks of Court and apply for admission.

¹² The Committee on Standards of the Profession included two optional litigation experiences in their recommendation for trial lawyers. The Council believes that to be fully functional, the Beginning Prosecutor needs additional litigation experiences that go beyond that currently required by State Bar R. 8-104(D).

¹³ Successful completion of the Fundamentals of Prosecution Course is both a required item of the mentoring plan and is required to meet the CLE requirements of the Transition Into Law Practice Program. There is no substitute CLE program that meets this requirement.

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Prosecution Mentoring Plan of Activities and Experiences	
G. The Obligations of Prosecuting Attorneys to Others	
1. Discuss Rule 3.8 of the Rules of Professional Conduct, Special Responsibilities of a Prosecutor, and how the prosecutor can use the law and legal process as "instruments for the common good."	
2. Discuss the special responsibilities prosecutors have to victims of crime, including the obligations the prosecutor has under the Crime Victims' Bill of Rights, O.C.G.A. § 17-17-1, et.seq.	
H. Negotiation	
1. Discuss the conditions under which the Beginning Prosecutor should consider engaging in plea negotiations. Included should be all relevant policies established by the District Attorney or the Solicitor-General concerning plea negotiations and the factors that should be considered when negotiating a plea of guilty. Included should be:	
(a) How to evaluate the case and determine if it is a case in which a negotiated plea (or settlement in a civil forfeiture case) is appropriate.	
(b) When and how negotiation should be initiated.	
(c) The role and rights of the crime victim(s) in negotiating a plea. ¹⁴	
(d) What input the investigating officers should have in determining what is an appropriate plea.	
(e) Legal, ethical and professionalism obligations of the prosecutor in negotiating a plea agreement or settlement in a civil forfeiture case.	

¹⁴ See O.C.G.A. § 17-17-11

Transition Into Prosecution Program

Administrative Instructions

1. Registering, Deferments and Exemptions.

When a new attorney begins work in a prosecuting attorney's office, the first step is to determine when he or she passed the Georgia Bar Exam (not when he or she took it) and the date when he or she was sworn into the Superior Court. **If the new prosecutor was admitted to practice in Georgia after July 1, 2005, he or she is subject to TILPP.** It does not matter whether the individual is a paid employee or an unpaid volunteer (sometimes called an "Apprentice" or a "Special Assistant District Attorney.")

There are some situations that allow a new lawyer to defer TILPP or to be exempted. Unless the new prosecutor is exempt (see below), he or she will need to enroll in both the TILPP Program and the Transition Into Prosecution Program. Enrolling in the TILPP is part of the process every new lawyer goes through in order to join the State Bar of Georgia. The mentor should check to make sure the new prosecutor has completed these requirements.

To enroll in Transition Into Prosecution, the mentor and new prosecutor prepare a Mentor Pledge and email it to the State Bar at TILPP@gabar.org.

Completion TILPP prior to being employed as a prosecutor.

If the beginning prosecutor completed both components of the TILPP program (mentoring and CLE) and received a completion certification from the State Bar, he or she is not required by the Bar rules to complete this mentoring plan. Your office may choose to use this plan as a training guide for new prosecutors but registration with TILPP is not required. Attendance at the Fundamentals of Prosecution Course is encouraged for new prosecutors who have completed TILPP or are exempt from TILPP but is not required.

Judicial Law Clerks.

If the beginning lawyer was a law clerk for a judge prior to being employed as a prosecutor, he or she may have deferred starting TILPP. If the beginning lawyer was a judicial law clerk and deferred starting TILPP, he or she must report completion of the judicial law clerkship directly to the TILPP office and is required to complete the TILPP requirements regardless of the length of the clerkship. St. Bar R. 8-104(A)(1)(b). The 12 month period for completing the mentoring plan will be based on the date the judicial clerkship ended. Please note the dates of the clerkship on the Transition Into Prosecution Mentoring Plan Registration form.

Inactive Status.

If the new prosecutor took inactive status after passing the Bar, starting TILPP is deferred until he or she takes active status, regardless of the length of time that they were in inactive status. St. Bar R. 8-104(B)(1)(a).

Practice of Law in Another State.

If the new prosecutor practiced law in another state for two or more years (which can include military service as an attorney or judge advocate), he or she may be exempt. However, he or she must apply for the exemption. Only the Director of the TILPP office can approve an exemption. St. Bar R. 8-104(A)(1)(a).

New Prosecutor Started Mentoring Program Prior to Becoming a Prosecutor but Did Not Complete TILPP.

If the new prosecutor enrolled in TILPP prior to becoming a prosecuting attorney, he or she may already have an assigned mentor or may be in "Group Mentoring." If the new prosecutor is coming from private practice or a public defender's office and had a mentor, the new prosecutor should have a copy of their Mentoring Plan. If he or she does not, it should be requested from the original mentor. It will be necessary for the mentor to review the old Mentoring Plan and see which experiences and activities can be carried over into the Prosecution Plan. Call PAC if you need assistance. NOTE: The Beginning Lawyer Course offered by the Institute of Continuing Education (ICLE) is not a substitute for the Fundamentals of Prosecution Course.

2. Working the Mentoring Plan.

As soon as possible after the new prosecutor reports to work, the mentor and new prosecutor should meet and go over the plan together. The mentor should be in a position where he or she can observe the new prosecutors work and be available to meet with and guide the new prosecutor throughout his or her first year.

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The footnotes to the Prosecution Plan provide guidance on how many of the activities are to be accomplished. Credit can be given for some activities that the new prosecutor completed while in law school; these are indicated in the footnotes. To be successful, mentoring requires that the mentor and mentee build a relationship of trust. The mentor should create an environment where the new prosecutor feels safe to ask questions and seek advice. The mentor is the sole judge whether the new prosecutor has accomplished each activity or experience.

If the new prosecutor worked in a prosecutor's office and was admitted to practice under the Law School Graduate Rules of the Georgia Supreme Court,¹⁵ the mentor may give credit for activities mastered while working under that program if the mentor determines that the new prosecutor has mastered the skills included in the activity and has demonstrated knowledge of those skills since being admitted to the Bar.

3. Modifying the Model Mentoring Plan.

Your office has the option of developing a modified plan that is unique to your office. A copy of the modified plan must be submitted to the State Bar of Georgia for approval prior to the start of the mentoring year. If the modified plan is approved, the Beginning Prosecutor and the Mentor sign a Modified Mentoring Plan Pledge and submit it to the State Bar within thirty (30) days after the start of the mentoring year.

4. Fundamentals of Prosecution Course.

Make sure the new prosecutor registers for and attends the Fundamentals of Prosecution Course that is held annually. Fundamentals of Prosecution is the required CLE course for new prosecutors under TILPP (as well as an element of this Plan). It is also important to make sure that the new prosecutor pays the CLE/registration fee for the Fundamentals of Prosecution Course regardless of any other PAC training is attended. The State Bar will not give the new prosecutor credit for attending the Fundamentals Course unless the CLE/registration fee is paid.

5. Completing the Plan.

When the Mentor is satisfied that the new prosecutor has completed all of the requirements, including attendance at the Fundamentals of Prosecution Course, the Mentor prepares the Mentoring Completion Certification and submits it to the State Bar via email.

The completed Plan is filed in the new prosecutor's personnel file, so it is available for audit by the State Bar TILPP office. PAC does not need a copy of the completed Plan. Once the TILPP office has processed the certification, a certificate of completion will be sent to the new prosecutor.

6. Extensions.

If it is apparent for any reason that the new prosecutor cannot complete the plan by the deadline (December 31 or June 30, depending on when they were sworn in), an email should be sent to TILPP@gabar.org indicating the reason why an extension is needed. The TILPP office must approve extensions, but they generally will grant them if there is a legitimate reason. There is an automatic three-month extension from the end of the mentoring year before the Bar will consider taking disciplinary action.¹⁶

¹⁵ Ga. S.Ct. R. 97 - 103.

¹⁶ See St. Bar R.8-1

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7. Job Changes.

If the mentor changes jobs so that he or she cannot continue to serve as a mentor, the mentor should send an email to TILPP@gabar.org to explain the situation and tell the State Bar who the new mentor will be. If the mentor leaves without notifying the State Bar, the new prosecutor should contact the State Bar as soon as possible. The new prosecutor should also determine from the elected head of the office or their supervisor who will be the new mentor. In most cases a change of mentor can be handled by email.

If the new prosecutor changes jobs, the process varies based on whether he or she is remaining in prosecution.

If the new prosecutor is moving to another state or local prosecutor's office in Georgia, an email to TILPP@pacga.org will usually be sufficient to change the records at the TILPP office. If the name of the new mentor is known, that should be included in the email. Before the new prosecutor leaves, the mentor should review the Prosecution Plan, with the new prosecutor, and make sure all activities that have been completed are signed off. The mentor should make a copy of the Plan and place it in the new prosecutor's personnel file. The original goes with the new prosecutor to his or her new job.

If the new prosecutor is leaving prosecution (or going to work in a U.S. Attorney's Office), the mentor is responsible for preparing a TILPP Migration Form. Make a copy of the form and the Plan and have them filed in the former new prosecutor's personnel file. A copy of the Migration Form is emailed to TILPP@gabar.org. The original of the Migration Form and the Mentoring Plan is given to the departing prosecutor to take to his or her new job. The departing prosecutor is responsible for obtaining a new mentor and notifying the TILPP office.