

Lindahl, Jamie C.

From: George Hunt <George.Hunt@cve.com>
Sent: Wednesday, February 6, 2019 11:13 AM
To: Flynn Peterson, Kathleen
Cc: jday@johndaylegal.com
Subject: [EXTERNAL] Mentoring

Ms. Peterson:

I read the eBulletin from the ACTL with interest, inasmuch as mentoring of young trial lawyers has always been a keen interest of mine. As a young lawyer, I had the privilege of being mentored by several older members of the College who provided invaluable hands-on lessons on how to be a good trial lawyer. Back in the day, as young associates, our pay was very low and the partners and the firm could afford to have young associates tag along on trials and the clients didn't mind because our services were very cheap. Unfortunately, that model changed overnight in about 1986 when Skadden Arps decided to start new associates at \$100K per year. At the time, that was a major increase and unfortunately it destroyed the mentoring model because with the higher salaries, firms had to raise rates for associates and it was no longer economical to have associates tag along on trials and be mentored. If clients were going to pay the higher fees, they wanted to see something for their money and were no longer willing to foot the educational bill – alas, the mentoring model was destroyed. As a result, younger lawyers did not receive trial training and as they got older, became afraid to try cases so they “discovered” them to death and then resolved them by mediation. The number of trials (particularly civil trials) started to dwindle as did the membership of the College, because there were many fewer trials and younger lawyers were not trying cases, primarily because they didn't know how to do it. This is where we find ourselves.

As we all know, learning how to try a case requires hands-on experience with all phases of a case, including sitting through trials. It is not something that can be learned in a classroom. Having some responsibility in a case, and experiencing the adrenalin rush and abject fear of failure is necessary to indelibly etch the lessons of trial on one's frontal lobe. So, how are we going to fix this? And, does the College have the resources to do it alone? In my view the College can help and the program you have outlined is a good start. In addition, I believe that firms, senior lawyers and associates are all going to have to take a hit in order to give back to younger lawyers the opportunity to be mentored properly in the art of trying lawsuits.

As for myself, I would like to help. I am no longer in private practice, having retired after 44 years as a trial lawyer and I am now in-house for a long-time client. So, the only trials I attend now are trials where I am a quasi-spectator hoping to keep the costs reasonable and the process efficient. I still love the process. Given my circumstance, if you all can figure out how I can help, let me know and I will endeavor to be a part of the solution to this vexing problem. Thank you for your efforts and involvement.

Kind Regards,
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