



Memorandum

To: People Interested in the Education and Professional Advancement of Special Masters

From: Academy of Court-Appointed Masters

Date: March 28, 2022

Subject: **Incubator Concept Paper**

Introduction. This draft outlines the current thinking of the Academy of Court-Appointed Masters (ACAM) on how to conduct the first-ever incubator training program designed to create ongoing education and mentor/mentee relationships for a diverse class of aspiring special masters. This program has and will continue to require a lot of thought. **If you have any comments or thoughts on how to implement or improve it, please contact ACAM's Executive Director, Merrill Hirsh, at ExecDir@courtappointedmasters.org.**

Goal. ACAM is committed to growing the diversity of the field of special master work and quality and professionalism of its members. ACAM's strategic plan provides:

The Academy is committed to supporting a diverse array of experienced masters and aspiring masters. . . . [W]e will strive to facilitate systems in which special master appointments can be made from ***broad, diverse pools, based on merit and suitability for the case.*** (Emphasis added.)

Hard to Break into This Work. Special master work can be hard to break into. Many of the leaders in this field began their special master work because of a pre-existing relationship with an appointing judge or because of specialized substantive expertise in a particular field.

Incubator Program is Designed to Advance Justice and Grow Opportunity. ACAM believes that a broad, diverse pool of candidates will help judges choose the special masters who are best suited to advance justice in each case. ACAM also believes that developing a broad, diverse pool of candidates grows opportunity in the field. To do this, ACAM is launching a training and mentorship program that we're calling the "incubator" program. Details are below.

ACAM's Incubator Program

Here is some basic information about the ACAM Incubator Program.

1. What the Program Offers:

The Incubator program offers both a training program and a mentorship program for ACAM members interested in growing and developing as special masters.

- A. **Training Program.** The training program is designed to build on ACAM's basic training on substantive content about special master work. The incubator program will delve deeper than the basic training on topics including: the types of roles special masters serve; the workings of FRCP Rule 53 (with reference to state counterparts); orders of appointment/reference; ethics rules that apply to special master work; some of the field's most promising practices; aspirational professional standards; problem solving; and more. It is also designed to provide a "learning laboratory" in which students engage in mock exercises that bring values or content rules into conflict – the students engage in mock negotiations, mock discussions with their appointing judges, and more, and receive feedback about their performance. We could aspire towards building a program a bit like the National Institute for Trial Advocacy (NITA) program. This program is designed to illuminate how special masters can become a more effective part of their legal community to improve and advance the profession and make the use of special masters more valuable to stakeholders.
- B. **Mentorship Program.** The mentorship program is designed to give the students real-life, paid and unpaid experience on real cases. Experienced masters will sign up to be mentors. When they are working on large cases, we will ask them to strive to find roles with paid work on those cases for our students and, if paid work is not available, we will ask them to attempt to obtain approval for shadowing opportunities. The mentors will make themselves available to the students for mentorship conversations to foster the students' growth and depth of understanding. When possible, the mentors will bring students in to observe meetings that beginners would not normally have access to. We will also try to find ways for our students to connect with judges, and we may ask judges to let their special masters know about these mentorship opportunities.
- C. **Attestation of Completion of Training.** We will offer a certificate of completion of this training.

2. What the Program Requires:

- A. **ACAM Membership.** This program is only available to ACAM members.
- B. **Fee.** [We will require a fee, and we will have a policy that clearly states that there are no financial barriers to participation, meaning that we will have a dignified, private approach to negotiate a sliding scale for the fee.]
- C. **Geographic/Travel Requirements.** [For now, we will first figure out the site of the initial training session, which will likely be in Washington, D.C. because we have some

faculty there. As time goes on, we may be able to offer this training in different cities in different years.]

- D. **Time Commitment.** [What is the duration of the program? One year, or shorter and more intensive? How many hours of classroom instruction are required? How many hours of mentored work? We have to figure all of this out.]
- E. **Pay it Forward Commitment.** All students must agree that upon completion of the training course (“graduation”), they will “pay it forward” by serving as a mentor to students in later cohorts of the program.

3. **Application Process:**

We’ll have an application process and will ask questions such as:

- A. **Why?** Why would you like to become a special master?
- B. **Work and Professional Experience.**
 - a. Are you a lawyer? If yes, please provide states/years of admission.
 - i. If yes, please tell us about your legal practice. Are you interested in potentially becoming a judge at some point?
 - ii. Are you now or have you served as a judge? If yes, please tell us about your judicial practice.
 - b. Have you ever worked on the team of a special master case? If yes, please tell us about that experience.
 - c. Other work experience. Please share information about work experience you’ve had outside of legal work.
- C. **Life Experience.** Please tell us about life experience that you bring to this work? What aspects of your experience might prove valuable for a special master’s ability to advance justice?
- D. **Educational background.** Please tell us about your educational background.
- E. **Cultural competence.** What culture(s) do you identify with? How do you approach work in a cultures that you do not know well? Cultures that you do not feel a part of?
- F. **Thoughts about listening.** Please give us an example of a time when you needed to be “small in the room,” listening deeply to the experiences of others.
- G. **Demographics.** Please tell us about any demographic information about you that you would like to share with us (race, religion, disability status, LGBTQ status, anything).

- H. **Time available for this work.** What work are you engaged in now? Does that work and do your other obligations allow you sufficient time to engage in this program? Please explain.
- I. **[What else?]**
4. **Class Size.** We strive to have **[fill in]** students in each Incubator cohort.
5. **Timeline.** What is our timeline? Start in **[month, year]**, end cohort in **[month, year]**?
- A. Applications due. Applications are due on **[date]**.
 - B. Admission decisions. Admissions decisions will be issued on **[date]**.
 - C. Training begins. The training schedule will be **[fill in]**.
 - D. Mentorship pairing. Incubator students will be paired with their mentor(s) on **[fill in]**.

DRAFT