

What I Did Over My Summer Vacation

By Brandi Davis

Now that it is summer, many of us are planning to escape the office for a few days or weeks of vacation. Or perhaps, you'd like to use some vacation time to look into a career transition. Either way, it is the perfect time to take advantage of travel opportunities that allow you to improve and share your legal skills, develop new skills, and perhaps even change your life.

International volunteer programs

While many international volunteer programs let you volunteer abroad for a short time, few tap into the legal skills of attorneys. Two examples of programs that allow young lawyers to use their legal skills are

rected as they must complete their assignment independently in most countries.

ROLI also seeks energetic self-starters to provide technical assistance in foreign nations. An ABA public service project dedicated to promoting the rule of law around the world, ROLI is active in more than forty countries in Africa, Asia, the Middle East, Latin American, and Europe. With international posts lasting from three to twelve months, ROLI offers different opportunities based on lawyers' levels of experience. Lawyers with at least five years of legal experience can serve as pro bono legal specialists, while lawyers with less experience can apply to be legal analysts or legal interns.



two to three days of hands-on career experience.

With 175 different jobs to try, young lawyers can experience anything from being a cattle rancher to fashion stylist to nonprofit director. Vocation Vacations also provides one-on-one career counseling to help vacationers develop a career plan should they want to make a transition.

Reflecting on his vocation vacation of writing country music with music writer Thom Shepherd in Nashville, attorney Greg Rocca of Albuquerque, New Mexico, said

These three opportunities are but a few examples of how you can use time off to better the world or yourself.

Lawyers Without Borders (LWOB) and the American Bar Association's Rule of Law Initiative (ROLI).

Lawyers Without Borders' founder Christina Storm began the organization after her own search for international pro bono opportunities proved futile. Now LWOB provides young attorneys the opportunity to engage in activities such as community outreach, data gathering, trial observation, or assessments in foreign countries.

LWOB's international opportunities can last anywhere from two weeks to several months, in places such as Rwanda, Cameroon, Mozambique, Liberia, Kenya, and Uganda. Even though LWOB provides information and guidance beforehand, volunteer lawyers must be self-funded and self-di-

While working with ROLI, lawyers not only provide valuable services to communities, they also can develop unique skills applicable to their legal careers. Participants can develop advocacy, clinical, management, cross-cultural communication, and administrative skills during their work.

Switching vocations

If more legal work is the last thing you want to do on vacation, you can use your summer travel to try out a nonlegal job. Whether you are thinking of switching fields entirely or just immersing yourself in an industry by going in-house, Vocation Vacations gives vacationers an inside look at "dream jobs" with no commitment required by placing them with a mentor for

that "it was a good experience to see what others do on their jobs."

He added that "my mentor was extremely nice and extremely helpful, and the whole experience was a lot of fun."

These three opportunities are but a few examples of how you can use time off to better the world or yourself. Such experiences can even provide a career boost.

"The key to business and career development is to be interesting," says Ari Kaplan, the principal of the career and business development consulting firm of Ari Kaplan Advisors. "When you are interesting, you are memorable. When you are memorable, opportunities will follow."

Whether you choose to do

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A State of Mind: SUCCESSFUL OUT-OF-STATE JOB SEARCHES

By Brian K. Sims

Lawyers are not a migratory bunch. According to the National Association of Legal Career Professionals (NALP), roughly three of every four attorneys will practice law in the state where they attended law school. Your law school knew this, and, unless you attended one of the handful of law schools that sends its graduates nationwide, your law school's career services department focused mostly, sometimes exclusively, on making statewide contacts. This leaves you primarily responsible for finding an out-of-state job, and that process is not easy.

The first step in your job search is to determine exactly where you want to practice. In some professions, this can be as simple as choosing a region of the country. But for young graduates or newly minted attorneys, the decision has to be

state specific because of the bar exam. Many states begin to accept bar applications in March and April, and some will allow late applications (even as late as July 1).

Once you've decided in which state you want to practice, plan to take that state's bar exam. Many employers are wary of considering any candidates except top laterals or graduates from out of state unless they have already passed the bar in the employer's state. Also, consider the timing of your entrance into a new job market. Remember that from late April though early June roughly 40,000 new graduates emerge from law schools around the country, and many will compete with slightly more experienced attorneys for entry-level jobs. Although you may not have much choice, try to avoid the saturated summer



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Metadata

ARE YOU IN DANGER OF AN ETHICS VIOLATION?

By Chase Edward Scott and David Hricik

Lawyers spend millions of dollars to professionally destroy confidential information to prevent its disclosure. Shredding services are often bonded and insured and typically use armored vehicles to ensure security prior to document destruction. If this is the norm for physical document destruction, surely a similar system exists for the treatment of electronic documents, right? Ladies and gentlemen, welcome to the world of metadata.

Metadata is “data about data.” Many commonly used computer programs create data about data and then save that unseen information with the visible text in a single file. This information is typically

transferred with the visible text unless it is removed prior to transmission. Generally, each time a file is transmitted, the invisible data also is sent.

But rather than simply revealing seemingly innocuous information, such as the time and date the file had been prepared, metadata can reveal much more. For example, many computer programs permit authors to track text changes, save multiple “undo’s,” or even insert comments that are invisible to other viewers. Such data could reveal a wealth of information to recipients and potentially affect significant negotiation positions or litigation strategies, among other things.

There is a substantial risk

that metadata will contain confidential information. Accordingly, a lawyer who knows a document contains embedded information generally has a duty to remove it before transmission. But what about a lawyer who unknowingly transmits a document with embedded confidential information? Has that lawyer violated the duty of confidentiality? Some argue that because “everyone knows” about metadata, any lawyer who fails to remove hidden confidential information has breached his or her professional duty. In the authors’ experience, though, the opposite is true: most attorneys have never heard of metadata, let alone understand how to handle it.

However, the existence of metadata and the dangers it presents for unintended disclosure are becoming more widely known and appreciated. Lawyers will soon, if not already, be unable to avoid negligence claims or defend against bar complaints by pleading ignorance of the risks that embedded information creates. Attorneys should make every effort to prevent disclosure of confidential information.

Given that metadata is a relatively new concern for lawyers, no formal ethics rule expressly addresses whether it is proper for a lawyer to search an electronic file that is sent by

opposing counsel for embedded data. Most states, however, have a general catch-all rule that prohibits “professional conduct involving dishonesty, fraud, deceit, or misrepresentation.” State bar associations that have addressed metadata have reached different conclusions.

On one end of the spectrum, the state bar associations of New York, Florida, Arizona, and Alabama conclude that purposefully searching for metadata is unethical. The New York Bar Association, for example, emphasizes that “it is a deliberate act by the receiving lawyer, not carelessness on the part of the sending lawyer, that would lead to the disclosure of client confidences and secrets” in the embedded data.

On the other end, the ABA, Maryland Bar Association, and Colorado Bar Association find nothing unethical with deliberately mining documents sent by opposing counsel outside of the context of discovery for metadata. The ABA in Opinion 06-442 expresses its disagreement in mild terms stating only that it “does not believe that a lawyer . . . would violate” professional duties by mining for metadata. Taking a slightly more nuanced approach, the District of Columbia Bar reasons that viewing metadata is dishonest only if before viewing it a lawyer *actually knew* that the metadata had

been inadvertently sent.

Most states have no opinion. For lawyers in those states, it probably is only a matter of time until formal ethics rules are established to govern the treatment of this important excess electronic information.

For further information regarding the treatment of metadata, including a step-by-step tutorial on how to remove it from your documents, see 13:5 *Georgia Bar Journal* (Feb. 2008).

Chase Edward Scott is a 2009 graduate of Mercer Law School from Chattanooga, Tennessee. He will practice intellectual property law beginning in the fall and can be contacted at chaseedwardscott@gmail.com. Professor David Hricik teaches patents, ethics, civil procedure, and Internet law at Mercer Law School and hosts legalethics.com. He can be contacted at hricik_d@law.mercer.edu.

READY RESOURCES

- *Just a Click Away: Email's Ethical Pitfalls* (Downloadable Article). 2008. PC # 51105671602PDFA03. Government and Public Sector Lawyers Division. To order online, visit [ABA Practice Essentials: Articles at www.ababooks.org/articles](http://www.ababooks.org/articles).
- *e-Discovery: Current Trends and Cases* (Book). 2008. PC # 1620320. To order online, visit www.ababooks.org.



Summer Vacation

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international pro bono work or try a completely new field, you will finally have a great answer to the question “What did you do over your summer vacation?”

For more information, visit:

- ABA's Rule of Law Initiative www.abanet.org/rol
- Lawyers Without Borders www.lawyerswithoutborders.org
- Vocation Vacations <http://vocationvacations.com>

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Out-of-State Job Searches

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and fall months.

If you are not a member of your chosen state's local bar association or alum of a local law school, you will have limited access to many local job banks. Luckily, more and more legal employers are turning to national job banks and Web sites to post jobs. Monster.com, HotJobs.com, and CareerBuilder.com not only have job postings for every state but even break them down into major metropolitan areas. Others, such as Craigslist.com, start from a city-centric perspective and provide postings

for all types of legal jobs from document review work and per diem assignments to associate-track positions. There also are Web sites, such as eAttorney.com and LawCrossing.com, that charge a monthly fee to access their databases for job postings, post résumés, and obtain contacts from employers.

In the public sector there are two primary Web sites for national job searches: www.statelocalgov.net, which provides links to state and local government Web sites across the country, and www.usajobs.com, which offers listings of all federal jobs. As with most other job banks, these Web sites allow you to focus your

job search on a specific type of job or a specific region, state, or city.

After considering where and when to look for a job and identifying what types of employers you are interested in, it is time to take the plunge: Make contact with employers! Focus on convincing employers that you are exactly who they are looking for and that you are committed to practicing in their state.

These are just the basic tools to help you in your out-of-state job search. Keep in mind that finding the right out-of-state job may be one of the most difficult tasks you'll face. But if you work hard enough, take ad-

vantage of the above strategies and tactics, and stick to a plan of attack, you will find it.

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READY RESOURCES

- *The Legal Career Guide*, Fifth Edition, 2008. PC # 5110667. Law Practice Management and Law Student Division.
- *Fifty Unique Legal Paths: How to Find the Right Job*. 2008. ABA Book Publishing. PC # 1620386. To order online, visit www.ababooks.org.

The Five Secrets of Speaking with Confidence

By Christine Clapp

Successful lawyers speak with confidence whether they're in the courtroom, conference room, or coffee room. That's because they've mastered the five secrets of confident delivery:

Secret 1: Stance

Stand firm and stand tall. Keep your feet planted on the ground about hip distance apart, with your weight equally distributed on the hips. Imagine that your feet have dried in concrete to avoid rocking, swaying, tapping, or pacing. Purposeless movement distracts listeners from your message and is a sign of nervousness.

With your feet grounded, stand tall. Lift your chest, expanding the area from your hips to your shoulders. But keep your shoulders relaxed and rolled back. Hold your head high, like there's a string attached from the top of your head to the ceiling. Excellent posture conveys confidence before a single word is spoken.

Secret 2: Sound

Fill the room with sound. With the foundation of excellent posture, project your voice by speaking from the diaphragm and not the throat. This also ensures that your voice is grounded, or on the low end of its natural range. A well-grounded voice allows you to project without straining or becoming hoarse.

Speak louder than you think you should. It's nearly impossible to be too loud. After all, how many times have you left a presentation thinking, "That speaker was just too loud"?

Secret 3: Smile

Show those pearly whites. Smiling not only makes your voice more pleasant to listen to, it also conveys confidence. Even if you're terrified of public speaking, no one will know if you have a smile on your face.



Rest assured, smiling throughout a presentation won't make you look cheesy. You will appear friendly, approachable, and composed. Whenever it's appropriate for your topic (and it usually is), throw on a smile.

Secret 4: Silence

Use . . . long . . . pauses. In our culture, we loathe silence. This causes us to turn sentences into run-ons and fill time with junk words, such as "um," "ah," "you know," "kind of," "like," "so," and "well." These habits make speakers look unpolished, unprepared, and unprofessional. To overcome them, start correcting yourself in casual conversations and enlist the help of friends, family members, and colleagues to point out when you slip up.

Additionally, if you lose your train of thought, don't apologize or show any outward signs of frustration. These reactions only draw attention to the mistake. Minimize inevitable stumbles by silently finding your place in your notes or taking a sip of water to regain composure. Any pause before an audience feels like an eternity to the speaker. It doesn't to the audience.

Secret 5: Sight

Make lasting eye contact. Hold your gaze on an audience member for five to seven seconds—much longer than you think you should. Then move on and hold your gaze on someone else in a different part of the room. Lingering eye contact builds rapport by giving audience

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members the feeling that they are engaged in an intimate one-on-one conversation.

Avoid scanning the audience without stopping to look directly at anyone. Don't make selective eye contact with the two or three people in the room who are paying close attention. Ignore the suggestion of looking at the back of the room rather

than your audience to reduce nervousness; it might make it the easiest speech you ever delivered, but it also will make it the least engaging. Audiences want you to speak to them, not at them.

Remember the five S's of confident delivery: stance, sound, smile, silence, and sight. Master

these secrets and you'll have the confidence to speak up and stand out in any situation.

Christine Clapp teaches public speaking at The George Washington University and is the founder of *Spoken with Authority*, a presentation skills training business that gives young professionals confidence as speakers. She can be contacted at christine@spokenwithauthority.com.

YLD CALENDAR & CONFERENCES

JUNE 2	 ABA RECESSION RECOVERY TELECONFERENCE SERIES – COMPLIMENTARY FOR ABA MEMBERS <i>Solutions: Overcoming the Obstacles of Going and Being Solo in a Down Economy</i>
JUNE 15	2009-2010 YLD SCHOLARSHIP DEADLINE
JUNE 15-16	2ND ABA NATIONAL CONFERENCE ON EMPLOYMENT OF LAWYERS WITH DISABILITIES WASHINGTON, DC
JUNE 15-17	BANKING LAW BASICS SAN FRANCISCO, CA
JUNE 16	 ABA RECESSION RECOVERY TELECONFERENCE SERIES – COMPLIMENTARY FOR ABA MEMBERS <i>Recession Proof Yourself: Take Control in a Down Economy</i>
JUNE 18	 FUNDAMENTALS OF INSURED AND MANAGED CARE
JUNE 30	 ABA RECESSION RECOVERY TELECONFERENCE SERIES – COMPLIMENTARY FOR ABA MEMBERS <i>Staying Positive in a Down Economy: Beyond the “Group Hug”</i>
JULY 7	 YLD 2009 TELECONFERENCE SERIES <i>Elevating Your Advocacy: Understanding the Differences Between Litigating in Trial and Appellate Courts</i>
JULY 9-10	3RD ANNUAL LITIGATION INSTITUTE FOR TRIAL TRAINING (LITT) CHICAGO, IL
JULY 30–AUG. 1	ABA ANNUAL MEETING AND YLD 75TH ANNIVERSARY CELEBRATION CHICAGO, IL
AUG. 28	2009 NATIONAL OUTSTANDING YOUNG LAWYER AWARD DEADLINE
Visit the ABA YLD Calendar for additional information: www.abanet.org/yld/meetings.html	



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Doing Good in Bad Times

By Afam Onyema

I graduated from Stanford Law School in 2007 and declined my corporate law firm offers to work full-time to help my father realize his dream of building a world-class hospital in his homeland of Nigeria. It has been difficult but amazingly fulfilling work. As I began my fundraising campaign for the hospital in earnest, I naturally turned to my law school classmates and other young lawyers throughout the country for support. Initially, they responded quite generously to my appeal. Indeed, young lawyers made up the majority of our base of early donors.

However, as the current recession continues, donations in general, and those from young lawyers in particular, are harder to secure. During these tough economic times, worry about the state of

the economy and job security can generate fewer contributions to a hospital project in Africa. Indeed, mine is not the only charity that suffers from a drop in donations. Community development organizations and Legal Aid societies, which are especially dependent on the philanthropy of lawyers and law firms, are experiencing the financial impact of this economic

crisis just as the need for their services is exploding.

So what can nonprofits do to raise needed funds during times of economic uncertainty? All I can do is remind everyone that the AIDS virus has not stopped invading and destroying children's bodies in Africa because we are in a global recession. Mosquitoes have not taken a break from passing on malaria death sentences to

pregnant mothers in Nigeria and elsewhere. What does the malaria parasite know of home foreclosures and declining corporate profits? Can the bailout of our financial institutions be explained to a sick, young Nigerian girl who suffers from tuberculosis?

As you read this, I am working feverishly to impress upon young lawyers that, despite the eco-

ment organizations need more funding to help those who have been laid off or who have lost their homes due to foreclosure.

The sun will shine upon us all again soon. When that joyful time of relief and recovery arrives, we young lawyers will be remembered most for what we did and did not do. We must have vision enough to see beyond our present difficulties. We must have the strength of heart to think of those who are truly suffering, whether from the scourge of disease in Africa or from the lack of quality legal representation in the United States. The risks of giving our time and money to such charitable efforts are both serious and significant. However, the rewards of such generosity are unquestionably powerful and fulfilling. We can lead the way. We *must* lead the way, and in so doing, provide light and leadership to a world in need of both.

Afam Onyema is chief operating officer of The GEANCO Foundation and can be contacted at aonyema@geanco.org.

We young lawyers will be remembered most for what we did and did not do.

Did You Know?

The disaster relief efforts of the ABA Young Lawyers Division date back to 1938, when the Junior Bar Conference helped the Red Cross raise funds for victims of an Ohio Valley flood. In 1973, the ABA Young Lawyers Section signed a formal agreement with the federal Office of Emergency Preparedness to provide nationwide disaster legal services. The agreement grew out of the disaster legal services that Mississippi and West Virginia young lawyers provided to victims of Hurricane Camille and the Buffalo Creek Disaster. A few months later, the YLS assisted victims of the devastating Jonesboro tornado. Since then, YLD has assisted tens of thousands of victims of disasters, including victims of 9/11 and Hurricane Katrina.