

The Federal Rules of Civil Procedure Get a Facelift

By Jess R. Nix

Effective December 1, 2007, the Federal Rules of Civil Procedure underwent a facelift to help bring them into the modern era. Every rule was amended in at least some way, and one new rule was added. These changes were designed to make the rules more user-friendly and to remove outdated references and language. With a few minor exceptions, these changes are meant to have no substantive impact. The Official Comments state that the 2007 amendments are part of the “general restyling of the Civil Rules to make them more easily understood and to make style and terminology consistent throughout the rules.”

The only new rule is Rule 5.2, which addresses privacy concerns in court filings. The rule was added in compliance with Section 205(c)(3) of the E-Government Act of 2002, which requires the U.S. Supreme Court to prescribe rules “to protect privacy and security concerns relating to electronic filing of documents and the public availability . . .

of documents filed electronically.” With limited exceptions, the Rule requires redaction when social security numbers, birth dates, minors’ initials, and financial account numbers are part of a court filing. The Rule also addresses sealed filings and provides for limits on public access to certain filings in social security and immigration cases. Notably, subdivision (h) of the rule provides that these

and phone numbers on pleadings. Rule 31 now requires that a party who notices a deposition by written questions to notify all other parties when the deposition is completed. The other eight substantively amended rules are Rules 4(k), 9(h), 14(b), 16(c), 30(b), 40, 71.1(d), and 78(a). The revisions are not intended to significantly change practice, but one should carefully review these revisions to ensure full compliance with the rules.

The most comprehensive changes to the rules are the “stylistic” edits throughout. Many of the more complex rules were simplified and broken into

were enacted seventy years ago. For instance, the Rule 1 reference to the merging of law, equity, and admiralty was deleted because that principle is now so firmly established. Inconsistent uses of terms “that say the same thing in different ways” were also eliminated. For example, while the former version of the rules interchangeably used the terms “infant” and “minor,” the revised rules uniformly refer to “minors.”

The Rules Committee has made clear that these stylistic changes are not intended to have a substantive impact. According to its chair, the

Committee has succeeded in updating the rules without effecting substantive change remains to be seen.

So far, the reaction to the new rules seems to be positive. In the view of Professor Carol Rice Andrews, who teaches civil procedure at the University of Alabama School of Law, the amendments to the rules are a “net plus” because they make the rules easier to understand. Nevertheless, she does have some advice for lawyers in light of the new rules. She points out that some of the changes, most notably the internal renumbering of some of the rules, may “bedevil some lawyers,” so lawyers should “closely cross-check references to specific rule paragraphs” when citing federal cases that were decided under the old rules. Professor Andrews also notes that state rules of civil procedure may not mirror these new changes, so it is important to be cautious when “making state-to-federal comparisons” between rules. And, of course, the most important piece of advice is—if you have not done so already—get a new rule book!

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Privacy concerns and security rules have made their way into the Federal Rules of Civil Procedure.

protections may be waived if a person files her own information without redaction and not under seal.

Eleven of the Rules underwent minor substantive amendments, which the chair of the Rules Committee calls “style-substance” amendments. For instance, Rules 11 and 26 now require attorneys to provide their e-mail addresses in addition to their mailing addresses

new subparts. Lists that were part of a running sentence are now vertically separated. For quicker referencing, hanging indents are used throughout to show the different parts of each rule. As a result of these changes, some rules have also been renumbered internally.

Another stylistic change is the deletion of certain references that have become dated or unnecessary since the rules

Rules Committee has “taken extraordinary steps to minimize the likelihood of inadvertent changes in substantive meaning.” He has also noted that the rules of criminal and appellate procedure have been similarly restyled without significant problems. Nevertheless, it is difficult to change any rules, especially rules governing lawyers, without some substantive effect. Whether the Rules

Interviewing Child Clients

By Amy Freedman

Representing children in court proceedings is a tricky area of law, and knowing the proper way to interview child clients is key. If you have a definite interest in representing children, consult state and federal guidelines and your jurisdiction for in-depth

CLE courses, which may focus on child psychology, sociology, and the juvenile court system. The following is a quick reference guide for lawyers on how to interview or question child clients.

The most common mistake attorneys make when interview-

ing child clients is interviewing them in the same manner as they would adults. It may seem obvious, but it is important to always remember that children do not have the level of experience, the judgment capacity, or the intuition that the average adult has. Therefore, attorneys must use great care when interviewing or questioning a child client. Using the following checklist will help:

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Sean Reyes Receives the First-Ever National Outstanding Young Lawyer Award

The career of a young Utah lawyer encompasses the perfect example of the state's slogan "Life Elevated."

On February 9, 2008, the American Bar Association Young Lawyers Division will award the first-ever ABA YLD National Outstanding Young Lawyer Award to Sean D. Reyes of Salt Lake City, Utah. According to Jay E. Ray, Immediate Past Chair of the ABA YLD, this new award was created to recognize the amazing accomplishments of the young lawyer members of the ABA YLD. To receive the award, individuals must first be nominated by one of the ABA YLD's three hundred young lawyer affiliates or by an ABA Division, Section, Commission, or Committee. This year's winner, who was nominated by the Utah Bar Association Young Lawyers Division, will receive the award during the ABA YLD's Assembly at the ABA Midyear Meeting in Los Angeles, California.

According to Ray, "Sean Reyes is exactly the type of young lawyer the award was created to recognize—one who exhibits professional excellence, service to the profession and the bar, service to the community, and has a reputation for legal ethics and professional responsibility."

Reyes is a 36-year-old litigation shareholder at Parsons Behle & Latimer, the largest firm in Utah. Reyes graduated in 1997 from the University of California Boalt Hall School of Law and graduated *summa cum laude* from Brigham Young University with a Bachelor of Arts in English. In 2004, Reyes became one of the first minority lawyers to make partner at a major firm in the state. He has argued or briefed cases that have gone to the Utah Supreme Court, Tenth Circuit Court of Appeals, and the U.S. Supreme Court and has been named one of Utah's Legal Elite since 2005. He was also named to the "Top Forty Under Forty" by



Utah young lawyer Sean Reyes elevates his career and the profession.

Utah Business Magazine in 2006 and was named the Utah State Bar's Young Lawyer of the Year in 2006. In 2007 Reyes was appointed by the governor of Utah to serve on the Judicial Nominating Committee for the state's most populous district.

The nomination of Reyes for the award was supported by Governor Jon M. Huntsman, Jr. and the Chief Justice of the Supreme Court of Utah, Christine M. Durham. Chief Justice Durham describes Reyes as being a "remarkable person who is using his extraordinary gifts to serve his profession and his community."

Reyes has been extremely active in the Utah bar. Nathan D. Alder, President-Elect of the Utah State Bar, describes him as being "one of the finest lawyers you will ever meet" and as being "among the most liked and most admired people I know." From 2004 to 2005 Reyes was president of the Utah Minority Bar Association. During his tenure, the organization raised more than \$120,000 to fund scholarship awards for minority students through an event celebrating the first fifty minority lawyers in Utah.

Reyes has also served on the Executive Council of the Utah Young Lawyers Division since 2003 and served as its treasurer from 2004 to 2007. As part of his service to the bar, Reyes has been involved in countless volunteer endeavors, including

community education projects, free legal clinics, fundraising for pro bono legal services, clothing drives, and service on diversity task forces and commissions.

Reyes also devotes hundreds of hours to community organizations and individuals. In addition to serving on the Board of Directors for the Utah Hispanic and Asian Chambers of Commerce and the Utah Hispanic Business Leadership/Education Foundation, Reyes trains supervisors in California to expand a volunteer English language training program he helped establish for immigrants and refugees, advises the editor of the *Salt Lake Tribune* on minority issues, and mentors law students. Reyes also performs over two hundred hours of pro bono legal services each year.

The best way to summarize Reyes' character and accomplishments is to quote an attorney he litigated against who said, "Should I ever need an attorney—or a friend—Sean would be the first name on my list." The ABA YLD is proud to recognize Sean D. Reyes as the first ABA YLD National Outstanding Young Lawyer Award recipient and as a true inspiration and role model for all lawyers.

To view more information about Sean Reyes and the other nominees, please visit www.abanet.org/yld/awards/oyla/recipients07.shtml.

Child Clients

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- Establish a rapport with the child by clearly and simply identifying who you are and why you are talking with the child. For example, you could say, "The judge asks me to get to know boys and girls sometimes. Is it OK if we just talk a little right now?"
- Keep your questions and sentences simple with only one main thought per sentence.
- Avoid legalese. An easy way to remember this rule is to remind yourself to never use a word when questioning a child that cannot be clearly explained. For example, avoid words such as allegation, appear, attorney, counsel, defendant, evidence, hearing, jury, minor, motion, oath, parties, perpetrator, and prosecutor.
- Do not assume that because a child uses a word he or she understands its meaning.
- Remember that children can be extremely literal in their interpretation of language.
- Remember to frame your questions in terms of a child's experience.
- Be alert for possible miscommunication. If a child's answer seems inconsistent with prior answers or doesn't make sense, look for a possible problem (1) in the way the question was phrased or ordered, (2) with a literal interpretation on the part of the child, or (3) with assumptions contained in the question about the child's linguistic/cognitive development or knowledge of the adult world.
- Keep your questioning to a reasonable time table. Children tire of questioning easily, and it can be psychologically harmful for a child to be questioned repeatedly with no breaks or end in sight.

You should also be alert to other adults who may be well intentioned but who want to question your child client or witness and may not observe

proper protocol. You, as the attorney, have a duty to minimize these types of encounters whenever possible. If the child is your client, you have a right to be present with the child at all times, which may prove important if the child needs difficult ideas simplified and questions rephrased in a "child friendly" manner.

You, as an attorney, have a heavy responsibility in dealing with a child. The gravity of your responsibility is illustrated in research that indicates repeated and inappropriate questioning of children in child sexual abuse cases often results in contaminated testimonial evidence. Further, improper questioning of a child sexual abuse victim can be extremely psychologically damaging because the child may be forced to relive the abuse over and over for each questioner. Thus, it is extremely important that you have proper training and take special care in questioning a child in this context.

"Appendix A: Checklist for Interviewing/Questioning Children" by Anne Graffam Walker, PhD, published in Handbook on Questioning Children: A Linguistic Perspective, 2nd Edition, 1999 by Anne Graffam Walker, Ph.D., published by the American Bar Association Center on Children and the Law. Copyright © 1999 by the American Bar Association. Reprinted with permission.

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READY RESOURCES

- *Handbook on Questioning Children: A Linguistic Perspective*, 2nd Ed. 1999. PC # 5490271. Center on Children and the Law and Young Lawyers Division.

A Family Law Practitioner's Guide to Representing Domestic Violence Victims

By *Djung Tran*

As a staff attorney at an agency providing services to victims of domestic violence, all of my clients have suffered from this form of violence. In a family law practice, chances are that sooner or later you will also encounter such a client.

Domestic violence is defined as abusive treatment of a person by a family member or intimate partner. The abuse can be physical, emotional, mental, or any other method that aims to demean and control, such as limiting someone's access to money and friends or family.

The following "how to" guide will help family law practitioners effectively and compassionately represent victims of domestic violence.

How to identify domestic violence

While some clients in your family law practice may readily inform you about domestic violence, others may be reluctant to reveal what they consider a shameful failure in their personal lives. As a practitioner, you should be on alert for several of the following signs, which may indicate that your client is a victim of abuse:

- low self-esteem for no obvious reason;
- a sense of something missing, or a logical gap, in the client's story;
- a high level of anxiety about how the opposing party will react to a proposed action that could potentially anger that opposing party;
- attempts to accommodate unreasonable demands from the opposing party, even at the cost of furthering the client's interests; and
- a high level of anxiety about face-to-face encounters with the opposing party.

How to establish a supportive environment

To establish a productive rapport with the client, it is important for you to:

- acknowledge that the abuse happened;
- communicate to the client that you do not believe that she or he deserved to be abused;
- communicate to the client that she or he is not responsible for the actions of the abuser;
- not blame the client for staying in the abusive relationship; and
- not become your client's *de facto* mental health counselor if you are not qualified to provide such a service; should your client need therapeutic counseling, refer her



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or him to your local domestic violence support service agency.

How to provide effective representation

In family court, the fact that your client has been abused by the opposing party may or may not play a direct role in your case. Although it is tempting

to highlight the abuse to claim the moral high ground, be careful not to overemphasize it when the court's decision-making process is not contingent upon whether there has been abuse. However, it is good practice to let the court know that abuse is present in a case, especially if it helps explain otherwise inexplicable

actions taken by your client.

Another consideration in highlighting domestic violence in the courtroom is the judge's level of training and education in this issue. If the judge is not familiar with the dynamics of domestic violence, respectfully provide reference materials.

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Demystifying the Academic Track

By Carla C. Lee and Cynthia B. Jones

If you want an academic career, you need to educate yourself about the *process*. Law faculty recruiters typically look for highly credentialed candidates with a minimum of five years of practice experience who have demonstrated scholarly as well as teaching objectives.

Getting started

If you want to be a law professor, you need to know about the Association of American Law Schools' (AALS) Faculty Recruitment Conference, which is held every year in Washington, D.C. The AALS Conference is a formalized process where law schools from across the United States congregate to conduct short interviews with faculty candidates for teaching positions at their respective schools. Attendees report that the short AALS interviews are sometimes more exhausting than the bar exam, so preparation is key.

Preparing for interviews

Preparation for the interview is crucial, but if you want to land that interview in the first place, being published helps greatly. Start submitting your

work to scholarly law publications now. You can publish a doctrinal or non-doctrinal article in a scholarly publication; however, publishing a doctrinal article will increase your chances of receiving an AALS interview. Many law schools look at whether the teaching applicant's scholarly agenda fits within the school's curriculum. If you know where you want to teach, you must pay particular attention to the school's curriculum objectives. You want to make sure your scholarly agenda is consistent or at least compatible with their current curriculum needs.

Because the competition is stiff, it is critical for you to distinguish yourself from the 850 to 1,000 applicants looking for law teaching positions. Having a doctrinal scholarly objective will allow you to distinguish yourself. Ideally, during the interview you should emphasize your core scholarly area first and then explain your specialty area. Keep in mind that your scholarly objectives do not have to match your teaching objectives. For instance, you might want to focus on critical race theory as your specialty scholarly work

but teach contract law and/or civil procedure. While more emphasis is on your scholarly objectives during the interview, your teaching objectives are important as well. And of course, a law professor must also be comfortable with public speaking, so be prepared to showcase that skill as much as possible during the interview.

To thoroughly prepare for this rigid, formalized process, it is a good idea to enlist the help of your law school professors in a mock interview. A mock interview will give you an opportunity to anticipate questions and prepare to share your scholarly knowledge with the AALS panel.

Working with AALS

Once you have clearly identified your scholarly and teaching objectives and researched the curriculum of the law schools you are interested in, you are ready to contact AALS to learn more about the process. For a small fee AALS will initiate the formalized process, allowing you time to focus on the interviews. AALS will list your name in the Faculty Appointment Register, send you copies of its Placement Bulletin, and invite you to the

Recruitment Conference. AALS will ask you to submit information about your educational background, your teaching experience, the subjects you want to teach, your employment history, a list of any publications, and a list of your bar admissions. They will also ask for a list of references. Be sure that these references are people who support your application and believe in your ability to teach law.

Participating in the interviews

It is good to arrive a day earlier than your scheduled interviews to familiarize yourself with the conference hotel because not much time is scheduled between interviews. If you already know the layout of the hotel, you can focus all your energy on your interviews rather than trying to find where your interviews are located. The interview process is a thirty-minute discussion where the registrant meets with a panel of law professors, faculty recruiters, and administrators. The registrant is expected to engage the panel of faculty in scholarly conversation. After the thirty-minute interview, you may or may not receive a call back. A call back usually involves an interview at the university, and then hopefully an offer.

For more information, visit www.aals.org or call (202) 296-8851.



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How Far Is Too Far?

EMPLOYERS AND THE USE OF ONLINE SEARCHES

By Natasha J. Baker

Given the explosion of social networking sites such as MySpace and search engines such as Google, an employer could learn more about a job applicant or an employee online than during an interview or in the workplace. In fact, recent polls indicate that human resources professionals and recruiters regularly

conduct Google searches on applicants and employees or review their social networking profiles.

Are such online searches by an employer legal? The "bright-line" rule is that if the online search reveals protected categories of information about the individual, such as race or age, an employer is legally prohibit-

ed from using that information. Beyond those instances, some argue that the information on Google, MySpace, and other sites is fair game. The Internet poses a whole set of unique issues, and whether employers should be able to use information posted online is not as clear as it may seem. Consider the following:

The source of information.

If an applicant or employee demonstrates a lack of discretion and judgment by posting spring break photos showing himself or herself apparently intoxicated on a MySpace page, an employer who finds these photos online may consider the photos when deciding to hire or retain the employee. There is no right of privacy where an applicant or employee voluntarily posted the information. Employers may be particularly concerned about the posting of such photos online if the applicant's or employee's position

involves substantial client contact or if the online conduct could significantly impact the employer.

However, what if the information was posted by a third party? For example, someone seeking revenge could have posted those photos or a negative blog about the applicant or employee. Should employers consider this information? How will they know whether the content is true or who posted the information? The answer is they probably will not be able to know for certain, so informa-

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Public Service Payoff

STUDENT DEBT RELIEF STARTS IN 2008

By Michael Pellicciotti

After years of limited congressional action on student loan repayment issues, Congress has created and President Bush has signed into law legislation that will create substantive debt relief for attorneys and others working in public service.

Student debt relief for newer attorneys has been a top priority for the ABA Young Lawyers Division leadership and membership for over a decade. Significant ABA congressional lobbying went into the passage of H.R. 2669, the College Cost Reduction and Access Act of 2007. A main provision of the law is its income-based repayment program that includes young lawyers in public service.

The College Cost Reduction and Access Act allows new lawyers with federal student loans who are working in qualified public service to repay loans at a percentage affordable to their income. Attorneys who work in public service and repay their federal student loans for ten years will have their loan balances canceled. Similar provisions apply to those in private practice for twenty years.

Starting in July 2008, under this program, new lawyers would not have to pay more than 15 percent of their discretionary income toward federal loan repayment. This repayment requirement would apply to subsidized and unsubsidized Stafford loans. Additional restrictions require direct student loans or loan consolidation under the federal Direct Loan Program. Other regulations and details of the law's implementation remain to be written.

Until these regulations are commented on and finalized, what constitutes qualified

employment and how far the College Cost Reduction and Access Act will reach are unclear. Additional issues need to be resolved through this regulatory process, including whether the loan cancellation under this program amounts to taxable income for the borrower.



"Today's signing into law of the College Cost Reduction and Access Act is an important first step in helping those—including lawyers—who choose a career in public service, by giving them new tools to cope with crushing educational debts," said ABA President Bill Neukom in a press release. "It will help our nation's best and brightest pursue public service jobs in the law and in other fields," he said. "We commend

Congress and the President for their action."

This new program reaches more lawyers than other student debt legislation currently before Congress. Last May, the U.S. House of Representatives passed the Prosecutors and Defenders Incentive Act. It provides partial loan forgiveness for attorneys who commit to practicing criminal law through public service for at least three years. Prosecutors and public defenders are eligible for the program.

That bill is a part of the congressional reauthorization of the Higher Education Act. It is now with the United States Senate, where Sen. Dick Durbin (D-IL) is sponsoring its companion bill. Both the House and Senate legislation allow eligible attorneys to receive up to \$10,000 per year for debt relief. The maximum total benefit is \$60,000, which is allocated on a first-come, first-served basis. The relief applies to all student federal loans.

The ABA YLD leadership will continue its lobbying efforts for this alternative student debt relief. While the regulatory and program details continue to be written, the creation of new student loan repayment opportunities continues to give hope to new attorneys. ABA lobbying has contributed to these new developments, which is due in part to the continued strength and unity of our 145,000 YLD members.

Lawyers interested in learning more about these legislative opportunities should contact their tax professionals.

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5 Steps to Taking Charge of Your Legal Career

By Timothy D. Batdorf

Being a lawyer can be frustrating. Expectations and demands are often overwhelming. It is easy to get caught up in the details of day-to-day work life and forget the big picture.

If you want something more from your legal career, you are not alone. But most of us have no idea how to accomplish this goal. Here are five steps you can take today:

Step 1: Be rigorously honest. It is so easy to deceive ourselves. We have spent tens of thousands of dollars and years of our lives being trained to do exactly what we do. So, why would we ever want to admit we do not like it? And, if we do admit it, then what? Lawyers are very intelligent

wonderful tool for the practice of law, but it is a horrible way to live. Trust me. I know. When I graduated from law school, I never thought I could practice tax law. (I did not think I was smart enough.) When I worked at a big law firm, I did not think I could leave. (I did not think I had the courage.) I never thought I would love the practice of law. (I did not think it was possible.) Yet I have accomplished all these things and more. When I challenge my limiting beliefs, doors open. New worlds unfold.

Step 3: Think big. The size of your imagination dictates the size of your life. How big are the questions you ask yourself? Do you ask, "How can I grind more hours away at the



people, but when it comes to our careers, many of us do not act so intelligently. We negotiate like a pit bull for our clients, but we settle for abject misery in our work lives. The first step to taking charge of your career is to be honest with yourself. After all, if you cannot be honest with yourself, who can you be honest with? Here is a simple question for you: Do you love what you do?

Step 2: Challenge your beliefs. According to surveys, successful law students are the most cynical graduate students around. What do cynical law students grow up to be? Cynical lawyers. Being cynical may be a

firm?" Or, do you ask, "How can I create a career that is fun, energizing, meaningful, rewarding, and inspiring?" Wherever you focus is where you will direct your time and attention. Asking big questions reconnects you to what is important in your life, moving you toward your bigger goals.

Step 4: Be practical. Taking charge of your career requires practicality. Take small steps. Develop a strategy and stick to it. You might even discover you can tweak things at your current job and be happy. Instead of burning bridges, you can build them. Perhaps your current job is a

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Diversity and the Role of the Young Lawyer

By Rachel Saloom

When you ask what “diversity” means in the legal profession, you get many different responses. Some lawyers are highly committed to increasing diversity in the legal field, while others are against any type of proactive diversity measures in the workplace. In between, however, there is a very large group of lawyers, including young lawyers, who are apathetic regarding diversity in the legal profession.

Often it seems as though the only people who care about diversity are diverse attorneys. Lawyers who do care become known as the “diversity lawyers” in their workplaces. Diversity discussions often make those in the majority feel either uncomfortable or as though they do not have anything to contribute.

While diversity should definitely matter to diverse attorneys, it should also matter to all attorneys. The legal field is rapidly changing. Clients now demand a diverse set of lawyers to meet their business needs. As corporations become more diverse, especially at the highest levels, they seek out diverse teams of lawyers to represent them. This means moving beyond tokenism in showing that your firm is diverse toward active business planning so that your team of lawyers is more reflective of the clients they represent.

The business case for diversity has been presented many times. Law firms, like any business, often look at the bottom line when considering whether to promote diversity. If it means more business, then diversity is an important business development tool for any law firm. While the business case for diversity is persuasive, there are many other reasons why more diversity is needed in the legal profession. One of the most important reasons is that the current lack of diversity within our firms is unrepresentative of our society and the clients we serve.

Young lawyers can play a pivotal role in shaping the future of their law firms and organizations, no matter their backgrounds. I particularly challenge lawyers in the majority to examine how they can contribute to efforts to increase diversity.

These are just some of the many ways we as young lawyers can help:

- **Participate in recruiting** efforts by interviewing law students and taking part in recruiting receptions and activities, especially those geared toward increasing diversity. Often these receptions and events are co-sponsored by diverse law school student groups.
- **Educate yourself** about your

firm’s diversity initiatives by reading your firm’s diversity and recruiting materials. Understand your firm’s position on the issue and what programs are in place to increase diversity. Be proactive and creative in developing your own ideas for diversity initiatives within your firm.

- **Mentor** diverse law students, summer associates, and more junior attorneys.
- **Volunteer** by coaching a local high school mock trial team, and encourage all students to consider careers in the legal field.
- **Be open minded and creative** in exploring diversity initiatives that would work in your firm. Engage in open dialogue with lawyers of backgrounds different from your own to form innovative ideas and solutions.

Efforts like these will help eliminate the so-called diversity lawyers in firms and create a profession where both the majority and minority attorneys play a role in increasing diversity. Young lawyers have a tremendous opportunity to shape the future of our field, and the time to act is now.

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THE YOUNG LAWYERS DIVISION HOSTS FIRST DIVERSITY SUMMIT

By Dana M. Douglas



APRIL 19, 2008 | WASHINGTON, D.C.

The American Bar Association Young Lawyers Division is pleased to be hosting the “Diversity: The Next Generation” Summit in conjunction with the 2008 ABA YLD Spring Conference. This dynamic event promises to provide a very worthwhile and stimulating conversation on diversity in our profession.

The Diversity Summit will gather young lawyers from across the country representing state, local, and specialty bar organizations, as well as law firm, legal department, and minority legal community leaders, to exchange ideas on how young lawyers can ensure that the profession reflects the society it serves and foster an environment of inclusion. In conjunction with the summit, the YLD will be creating an online toolkit and vignette-driven diversity training manual.

Whether or not you can attend the summit, the YLD invites attorneys to contribute by submitting real-life situations or narratives (i.e., vignettes) dealing with diversity issues they have experienced as young lawyers. We also encourage comments on “best practices” to resolve those real-life situations. The vignettes will provide the breeding ground for open discussions during the summit on the challenges the profession faces in creating an environment of inclusion and how we can address those challenges. To submit a real-life situation or narrative, please visit www.abanet.org/yld/spring08/diversitysummit.

The summit will commence with a summary of the state of diversity in the profession, focusing on racial, disability, ethnic, generational, gender, and sexual orientation diversity.

Our purpose in hosting this event is twofold. We hope the individuals who attend and participate in the summit will gain an increased sensitivity and awareness of diversity issues by engaging in thought-provoking discussions on relevant situations. We also hope that participants will use the innovative solutions created through these discussions to make their respective work environments more inclusive. Doing so will help enable all organizations to operate more effectively in a global marketplace.

For more information on the 2008 ABA YLD Spring Conference and the “Diversity: The Next Generation” Summit, visit www.abanet.org/yld/spring08/.

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Online Searches

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tion like this is gossip, and employers should use this information at their own risk.

Personal judgments. If an applicant or employee can satisfactorily perform the basic functions of his position, should his online profile or hobbies matter? You may think it is perfectly understandable for an employer rendering an employment decision to consid-

er an employee's or applicant's drug use or crude sense of humor revealed by an Internet search; however, do you think it is equally understandable for the employer to make personal judgments based on an adult employee who collects dolls and has a Web site devoted to them? The employer may find that behavior unusual, but does that hobby impact the employee's ability to do the job? Probably not. Making personal judgments about individuals'

quirks or odd habits based on Internet searches can become a slippery slope because employers are in the position of determining what is "normal" or "socially acceptable." Personal judgments like these can lead to hurtful stereotyping and unfair treatment.

Information about the employer. Bloggers and other Internet users need to be especially mindful of what they say about their employers online. Employers have and

can discipline or terminate employees caught posting confidential, proprietary information about the company or its employees online. Further, they may also act where employees are posting disparaging statements about the company or its employees. Applicants who engage in either type of behavior should not be surprised to be rejected for a position with the company in question.

With the growing popularity of social networking sites, online participants should exercise freedom of speech but recognize the risks before they post that photo or blog. Currently, it is incumbent upon employers who engage in this type of Internet research to separate the actionable conduct (disparagement) from the non-actionable (weird hobby).

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5 Steps

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"bridge" helping you transition to something you will truly enjoy.

Step 5: Find allies. Finding allies is often the most difficult yet most critical step. As lawyers, we isolate ourselves. When we suffer, we suffer alone. We tell ourselves our suffering is noble. What hogwash! Life is short. Find mentors who have done what you want to do. Hire a career coach to help you accelerate your learning curve. Do not wait a decade to create the career you want.

Timothy D. Batdorf is a practicing lawyer, career coach, author, speaker, and group trainer who lives and works in Royal Oak, Michigan. He can be contacted at tim@lawyerandself.com.

READY RESOURCES

- *Judge for Yourself: Clarity, Choice, and Action in Your Legal Career.* 2006. PC # CEV05JFYB. Career Resource Center and Center for CLE.



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FEB. 15, 2008	DEADLINE TO APPLY FOR ABA YLD 2008–09 APPOINTMENTS Want to get involved? Here's your last chance for 2008–09: www.abanet.org/yld/appointments
MAR. 13, 2008	ANTI-KICKBACK LAW BASICS ☎ www.abanet.org/cle/programs/t08alb1.html
APR. 16-19, 2008	ABA YLD SPRING CONFERENCE IN CONJUNCTION WITH ABA DAY AND THE ABA SECTION OF LITIGATION ANNUAL CONFERENCE WASHINGTON, D.C. For more details, visit www.abanet.org/yld/spring08/home.shtml <ul style="list-style-type: none"> ■ Expand your network: Meet 300 young lawyers from around the country. ■ Sharpen your legal skills: Earn CLE credits. ■ Discuss how the profession can become more inclusive by attending the “Diversity: The Next Generation” Summit. ■ Help local first responders: Do pro bono work by implementing Wills for Heroes.
APR. 24, 2008	FUNDAMENTALS ON PHYSICIAN REPRESENTATION ☎ www.abanet.org/cle/programs/t08fpr1.html
MAY 21, 2008	PROBATE IS DEAD ☎ www.abanet.org/cle/connection.html#may
MAY 22, 2008	PRIMER ON ISSUES FACED BY TAX-EXEMPT HEALTHCARE ORGANIZATIONS ☎ www.abanet.org/cle/programs/t08pif1.html
JUNE 19, 2008	FUNDAMENTALS OF MANAGED CARE ☎ www.abanet.org/cle/programs/t08fmc1.html Visit the ABA YLD Calendar for additional information: www.abanet.org/yld/meetings.html



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Simple Marketing Tips for New Lawyers

By Courtney LeBoeuf

As a new lawyer, developing new business may seem like a daunting task. But what you lack in experience, you can make up for with shrewd marketing skills. Here are a few simple things you can do now to grow your potential client base:

Leverage contacts you already have. Begin reaching out to and maintaining contact with the people you already know. Create a list of potential business contacts by reviewing your personal contacts, your law school alumni directory, and rosters of your professional memberships. Periodic phone calls, emails,

and lunches with your contacts will go a long way.

Send professional announcements. Did your firm change names, move offices, or launch a new Web site? Are you starting a new job? Such events present the perfect opportunity to send professional announcements. Announcements serve the dual purpose of informing your contacts of any new information regarding your job status and reminding people of what you do.



Get published. Writing articles will increase your visibility in the legal community. Journals, newspapers, and newsletters are always looking for material. In addition to being a great résumé builder, getting published allows your name and contact information to reach a wide audience of potential clients.

Get out of the office: A lawyer's success is not equated with the number of hours spent behind a desk. Get out of the office and meet people! Join your local bar association. Volunteer for a committee or pro bono opportunity. Give a presentation. Become active in your community. Always carry business cards with you and take advantage of opportunities to discuss your practice.

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Domestic Violence

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Sometimes, a client's memory of specific abusive incidents is fuzzy or nonexistent, especially in longer-term relationships where abuse has been ongoing and overwhelming. Try to unearth specific egregious incidents by interviewing the client's other family members or close friends. They may have a little distance from the incident(s) and therefore may be less traumatized and better able to recall details.

Regarding the abuser, keep in mind that while you may not find him or her to be an impressive figure, you have not lived under that person's control or been subject to that person's abuses. Be alert to the possibility that the abuser may be sending coded signals to try to intimidate your client during face-to-face encounters.

Your client may be afraid of being in the abuser's presence. To avoid face-to-face contact,

request of court personnel that your client and the abuser not be in the same room during a conference. For custody evaluations, request that the evaluator not conduct joint sessions with your client and the abuser. If such requests are refused in the first instance, it may be important enough to the mental health of your client to appeal the denial to a higher authority.

For more information about legal representation of domestic violence victims, visit:

- ABA Commission on Domestic Violence www.abanet.org/domviol/home.html
- National Coalition Against Domestic Violence (NCADV) www.ncadv.org
- The National Network to End Domestic Violence www.nnedv.org

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