



Uniting Plaintiff, Defense, Insurance, and Corporate Counsel to Advance the Civil Justice System

Tort Trial & Insurance Practice Section
American Bar Association



Student TIPster

Volume 4, Issue 2

June 2008

HELLO AND HAPPY SUMMER TO ALL

No matter where you are reading this edition of the *Student TIPster*, I am certain that the feelings that come with bright sunshine are similar throughout most climes – happiness for longer days largely spent outside the classroom mixed with a little trepidation for what exists just beyond the horizon. Summer beckons to every law student a time to step away from the rigors of the fall and winter to embark on a reinvigorating journey back to self. Irrespective of whether this journey takes you to a summer clerkship or internship, a research project with a favorite professor, a study abroad program beyond the borders of our union, a needed summer class or two, the dreaded bar prep and study time for recent grads, or some other equally tantalizing personal pursuit, it is a road well traveled for any of us who have navigated the wiles of law school.

In this edition, we have assembled a collection of articles that address many interests for law students and young lawyers alike. No matter the nature of your interests, there is literally something for everyone here. We invite your comments on these and future articles and trust that whatever your summer plans they will invariably lead you back to TIPS. ●

All the best,
Terry C. Bruner
Editor-In-Chief

ATTENTION ALL LAW STUDENTS!

Join us in New York City for a compelling program that any expectant lawyer or new lawyer will not want to miss, “Mourning the Death of the Billable Hour: Successfully Transitioning to Alternative Billing Methods.”

A panel discussion regarding how law firms have successfully transitioned to billing methods other than hourly, and a general overview of these alternative methods. The panel will include five diverse speakers, including those with plaintiff, defense and insurance perspectives, along with diversity as per ABA Goal IX. The program will emphasize two firms that are successfully utilizing billing methods other than the “traditional” hourly method to both increase revenue and quality of life for the lawyers at these firms. The program will focus not just on the theoretical debate surrounding the topic, including the law student perspective, but more specifically on how the transition to other billing models has been successful.

Irrespective of your desired practice area, billing pressures are omni-present in the private practice of law. While not as explicit in government or in-house positions, no lawyer can practice in today’s legal market without understanding the complexity of the dreaded billable hour.

For more information, contact the panel coordinator, Randi Whitehead, at randiwhitehead@gmail.com. ●

Inside This Issue

Hello And Happy Summer To All	1
Attention All Law Students	1
Five TIPS On Standing Out To A Hiring Partner	2
The TIPS Family	4
Why I Love My Job: Law School Professor	4

The Love Of The Game: A Labor Lawyer’s Perspective	5
Siezing Upon Trial Technology	7
Interviewing TIPS:	
Getting Your Dream Job	8
Funding Sources For TIPsters	9

TIPS MEETINGS & EVENTS

2008 ABA Annual Meeting - August 7-12, 2008
Hotel: Waldorf~Astoria Hotel, New York, NY

2008 TIPS Section Fall Meeting - October 2-5, 2008
The Westin Resort, Hilton Head Island, SC

2009 ABA Midyear Meeting - February 11-17, 2009
Hotel: TBD Boston, MA

2009 TIPS Section Spring Meeting - April 23-26, 2009
Hotel: The Broadmoor, Colorado Springs, CO

2009 ABA Annual Meeting July 30-August 4, 2009
Hotel: TBD Chicago, IL

For information and registration,
contact Felisha Stewart: (312) 988-5672

STUDENT TIPSTER EDITORIAL BOARD

Terry Bruner – Editor-In-Chief

David Cohen – Assistant Editor

Jasmine Parson – Contributing Author

Sherra Van Brunt – Contributing
Author

Richard J. Peltz – Contributing Author

Timothy P. Thomas – Contributing
Author

Ann Lyter Thomas – Contributing
Author

Alyssa McCorkle – Contributing Author

Martie Garcia – Contributing Author

Linda Wiley – ABA Staff Editor

2008 NEW YORK ANNUAL MEETING

Join us in fabulous New York City for the 2008 Annual Meeting. TIPS will sponsor a complete program of CLE and committee meetings. We hope that you will join TIPS to celebrate our very special 75th Anniversary in August. We have planned a fun and interesting meeting and will make the most of the city as well as our headquarters hotel, the legendary Waldorf~Astoria Hotel. On Friday night, we kick off our meeting at the historic Ellis Island Museum where TIPS will hold a dinner, a reception and a diversity event. We will board buses at our hotel and head to the tip of Manhattan where we'll be ferried across the harbor to Ellis Island. Attendees will have the run of the museum for the evening. During the event, TIPS will present our inaugural Liberty Awards to the Honorable Bernice Donald and Catherine Christian, President of the New York County Bar Association. TIPS has exclusive use of the Museum for the evening, and we plan to make it a special, once-in-a-lifetime event. Tickets are selling fast, so don't delay. Get your tickets today! •

FIVE TIPS ON STANDING OUT TO A HIRING PARTNER

By Jasmine Parson

TIPS member Jasmine Parson asked Charles "Charlie" Edwards, hiring partner for Barnes & Thornburg LLP in Indianapolis, for his suggestions on standing out as a candidate. Noting that today's law firm hopefuls must work even harder to make themselves stand out, he offers the following five tips:

1. Carefully craft your cover letter and resume. Your cover letter and resume are two ongoing pieces of work. Most firms want to see a one page resume and yes, you can get your resume down to one page. Most first year law students have little to no legal experience and some

students have very little work experience. Charlie suggests you “leverage the experience you have” Firms know what they can do for you; use your experience and your resume to show firms what you can do for them. If you have more experience than can safely fit on one page, then use your cover letter to talk about some of the other work and life experiences that you have. Talk to your career development office at your law school and work on revising your resume regularly. Cover letters should be specifically tailored for each law firm to which you apply. Form letters are an easy way out, but well-crafted and carefully planned cover letters will likely catch the eye of the reviewer. Charlie says that, contrary to popular belief, he actually does read those letters.

2. **Be active.** We all know that law school is busy, but it is still important to be active in your school, your community and your profession. This is a wonderful investment in your future. Participating in a student group or even serving in a leadership role for an ABA entity can give you excellent experience and exposure to legal professionals. Leadership activities are a great way to enhance your resume. Networking is an art and you will learn as you go, but this tool is necessary to a successful law school experience and a successful practice. Charlie says, “Be early and stay with it.” It is never too soon to start networking with attorneys in your community. The ability to create, build and maintain relationships is an essential skill for any person who desires to be successful in a law firm.
3. **No tunnel vision.** Many students enter law school with some general idea of the type of law they would like to practice. However, what many find is that they really have no idea what an actual legal practice in that area is like. Charlie believes that while it is good to know what areas of law interest you, students should “be careful not to have tunnel vision and miss opportunities that may arise.” Be open to learning about other areas of practice. If you think you might have an area of interest, but would like to learn more, find an attorney who practices in that area and

talk to that person about what they do. While it is okay not to know exactly what you want to do, you don’t want to appear flighty and completely unaware of your professional future. At least know enough about yourself to know whether you are more inclined to do transactional work or litigation.

4. **Follow your own course.** If you dream of practicing at a medium or large firm, the Summer Associate track is the traditional way of getting your foot in the door. Charlie notes that the traditional summer associate program is a valuable asset to many firms and should not be overlooked. He recognizes however, that there are other ways to realize your desire to practice at a firm. This is a time to be creative! Be assertive and find experiences that will make you a valuable asset. Although it can seem frustrating, Charlie says that students should not be afraid to try some other things first. Many law students and graduates clerk for judges or gain experience working inhouse for a corporation. These experiences are valuable and can definitely add some spice to your resume. This is a time for you to “look for holes in your resume and fill them.”
5. **Research!** Law students understand the importance of academic research. Put those skills to work and make sure you research your practice interests and places you are interested in working. If you want to work for a firm, learn in-depth details about that firm. This will help you prepare interview questions and show your interviewers that you are knowledgeable about their place of business. This does not mean looking at the website and simply reading the firm’s “About” page; you have to spend some time reading annual reports, press releases, news articles and other resources to really learn important details. At the interview phase, find out who your interviewers are and learn more about them as well. ●

Jasmine Parson is a graduate of the Indiana University School of Law Indianapolis. Charles P. Edwards co-chairs the Property and Casualty Insurance Coverage Practice Group, and practices at Barnes & Thornburg LLP.

THE TIPS FAMILY

By Sherra Van Brunt

The ABA is unique in that it has so many different sections which cater to its members and their area of expertise. Within each section there is a closeness and bond; a family that is united several times a year. I want to invite you to be a part of the TIPS family. TIPS is comprised of members from all over and with diverse backgrounds. TIPS strives to make each and every member feel as though they belong and can make a lasting contribution to our section and in the legal industry.

Specifically, the TIPS law student family consists of many talented individuals. These individuals volunteer their time and efforts to several committees. The TIPS law student family are the future leaders of TIPS. As law students, they participate in important discussions, they are key decision-makers, and they take on vital roles that allow them to make an impact in TIPS. As a member of the TIPS law student family, you are exposed to a number of great things. As a member you are eligible to receive limited funds through our scholarship fund for travel and lodging in order to attend TIPS meetings. At these meetings, a

law student member can attend the available CLE's and other workshops that are offered on the meeting agenda. Most importantly, the TIPS law student member will have several opportunities to network and attend socials during the course of the entire meeting.

A TIPS law student member can apply to be appointed to a leadership role. A leadership role will allow the law student to work very closely with the Chairs of the TIPS committees. As a leader, the law student will be able to voice his or her opinion, participate in numerous projects and gain invaluable experience that will carry into their legal profession.

The TIPS family is one that is growing. It is changing for the better and improving each and every day. TIPS is a very strong section whose membership increases yearly. We encourage you to be a part of our family. You can start making everlasting friendships and growing your career today. ●

Sherra A. Van Brunt, is a recent graduate of Thurgood Marshall School of Law at Texas Southern University and is planning to practice law in Houston, Texas

WHY I LOVE MY JOB: LAW SCHOOL PROFESSOR

By Richard J. Peltz

The *TIP*ster asked me this month to write about *why I love my job*. This challenge prompts one to the sort of introspection best avoided when the mortgage is due and the Mid-Life Crisis Express is steaming into the station. Nevertheless, I steeled my nerves and gathered my faculties (get it? *faculties*) to bring you The Three Reasons I Love Being a Law Professor.

No. 3. Everything Is Non-Billable

When I practiced law, I was the master of the non-billable hour. Actually, *hours*, and lots of them. I had a hot-key for the no-bill time code, and a source in the firm library to feed my *Law Week* addiction. Pro bono work, especially with kids, was infinitely more compelling to me than my corporate clients' woes. Unsurprisingly, this all counted against me in my performance evaluations. "You're always here," my bosses blustered, "but you're not *billing*."

A colleague of mine complains about students who think that when we are not teaching, we simply

sit in our offices in the dark like closeted toys waiting to play again. Contrary to popular belief, being a law professor, a good one anyway, is intensely hard work. We have three responsibilities: teaching, research, and service. And these are like three full-time jobs rolled into one. The only way to get the job done is to keep two of those balls in the air at all times.

But here's the beauty of it: *None of it is billable*. I read the latest Supreme Court cases because it's my job to teach them. I research and write about subjects that interest me, and I serve non-profit causes I believe in. My publications and public service don't earn a dime for the law school, but the university still pays me, twice a month like clockwork. Now that's a good gig.

No. 2. People Listen To Me

Knowing as you do my fondness for appellate case law, it might come as a shock to learn that at parties, I am something of a wallflower. I choose a seat where I can go quietly about the business of

mining onion from the dip. I firmly believe that Fritos Scoops represent a pinnacle of human achievement in the snack food area.

That said, I tend to be the center of attention when I am working. Yes, students listen to me because they have to. But I am popular too in other venues. In polite company, “law professor” carries a cachet that apparently suggests I have something important to say. People laugh at my jokes. You read my column in a section newsletter. Lawyers, judges, and law students attend my CLE sessions and read my law review articles. It’s positively ego-building.

Law professors must be comfortable with public speaking (though you may be forgiven for questioning faculty hiring committees’ commitment to this principle). Even outside the classroom, we are asked often to speak and to write. This opportunity is too great to waste. So I seize the chance to pontificate publicly on issues I care about. And in a welcome twist from my life as a teenage bookworm, people listen to me.

No. 1. My Work Travels

For thirty weeks of every year I have class. During this time, it’s like being “a person of interest” in a high-profile crime. I’m discouraged from leaving the jurisdiction without letting someone know.

But for the remaining twenty-two glorious weeks of the year, I can work from just about anywhere. Kayaking in Vanuatu, I dripped sea water on blue-books. Hiking in the Australian outback, I jotted a mini-treatise on restrictive clauses in the margin of a student paper. Munching on dried squid in a Korean karaoke bar, I emailed a lawyer-friend that he should take a certain case. And that I hate karaoke.

My job performance is not measured by my capacity to match tie and socks on another bleary-eyed morning, nor by my tolerance for a



Prof. Peltz prioritizes family over work where six-year-old Rocky is concerned, here on spring break at White Sands National Monument in New Mexico.

nutrient-deprived life under the violet glow of office luminescence, nor by my commitment to “the project” as measured by the time I’m willing to prioritize work over family. Rather, my job performance is measured exclusively by how well I do my work. You can’t buy that kind of accountability.

I Love My Job, Usually

I don’t always love my job. It has challenges that, some days, make it downright miserable. Maybe more on that another day. For now, suffice to say, though, that being a law professor is good work if you can get it. Oh, and getting it—more on that, too, another day. ●

Richard Peltz is a Professor of Law at Bowen Law School, University of Arkansas.

THE LOVE OF THE GAME: A LABOR LAWYER’S PERSPECTIVE

By Terry Bruner

It is a ubiquitously sunny morning in Phoenix, Arizona, and the senior partner of the law firm, Lubin & Enoch, ambles into the office, happy for another day’s fight. “I love getting up in the morning,” comments Stanley Lubin. After years of fight-

ing, his gait remains strident, unbowed by the love he possesses for defending the rights of the American laborer.

In a wide-ranging interview, Lubin spoke forcefully about the highs and lows of labor law practice.

Lubin & Enoch, P.C. is primarily an Arizona and Texas firm which engages in all phases of complex labor and employment law representation and litigation with an emphasis on representing labor unions. From defending labor unions against charges of unfair labor practice and the duty of fair representation to advocating for the rights of individual labor union members through the courts, Lubin has been on the front lines of labor law for over forty years.

After beginning his career with the National Labor Relations Board, Lubin worked on the legal staff of the United Auto Workers during its heyday before going into private practice. He believes these experiences helped him see the condition of the average working person. “I learned that even in the best of times, the Board has limited remedies to address unfair labor practices and are afraid to exercise their powers.” The remedies for proven violations primarily involve reinstatement of a terminated worker along with appropriate back pay. He describes the current status of American workers as “abysmal.” “Unfortunately, those without a good education are not treated with dignity.” He believes that needs to change and that lawyers have a role to play in making such changes.

Unlike several countries, in the United States labor law is governed tightly by the National Labor Relations Act, which vests administrative authority to investigate and redress legal wrongs in the National Labor Relations Board. While federal pre-emption bars many state law actions, some states have statutes that address payment of wages, wrongful termination, and provide for independent tort causes of action in employment matters. In some instances, these state statutes allow individual union members to access state courts as a means of litigating their issues. Additionally, some industries, most notably the agricultural industry and employees of state and municipal governments, are not governed at all by federal labor statutes. As workers continually look for more outlets to express their frustrations over the diminished role of labor in this country, Lubin suggests that more of them will lash out by filing suits in jurisdictions not typically accessed.

While he fully acknowledges that the practice of law, including labor law, is filled with challenges, it is precisely this interplay between challenge and

reward that makes for his legendary stories. “It’s just plain fun,” recounts Lubin. “For every labor lawyer there are probably 30 management lawyers, and we keep every one of them busy.” His wide-eyed love of the profession is not clouded by an equally critical eye for the troubles looming ahead for the practice. As Lubin puts it, “For some reason, we have a culture that honors investment and dishonors labor. We don’t honor work anymore.” And that, he cautions, is evidenced in how many firms treat young lawyers. “Is it honoring a young associate to have him [or her] working 90 hours a week? Many of them might be newly married or want to start a family or have other interests. So much of the profession is not treating new lawyers with respect.” Lubin recalled reading a book in the 1970s that said American society was becoming infatuated with punishing loyalty by pushing out long-serving workers in favor of inexperienced, less expensive younger workers. Today the paradigm has less to do with age than with profit maximization. It is his contention that the trend that started in the 1970s has manifested itself in a corporate culture run amuck, expressed with an attitude that people matter less than profits.

Lubin maintains that law students by and large still care about basic values, such as helping people. By his estimate, approximately 95% of lawyers are transactional lawyers and he believes this statistic is driving the backlash against working people. Says Lubin, “Some people still care and there are lawyers out there who believe in hard-working people.” Indeed, the ability to “do justice” is still a powerful inspiration to those who engage our adversarial trial system. The ability to positively shape the lives of countless individuals who need and deserve no less than zealous representation should give hope to any law student interested in trial work.

TIPS has a variety of practice committees relating to labor and employment law. For a complete listing of general committees, most of which participate in the student vice-chair program, visit www.abanet.org/tips. ●

Terry Bruner is a recent graduate of the Southern Methodist University Dedman School of Law. He has served as the Law Student Liaison to the TIPS Council for two years.

SEIZING UPON TRIAL TECHNOLOGY

By Timothy Thomas

Who would have guessed that in the 21st century, the practice of litigation would have changed so much? Looking back through history, the practice of law has evolved from wigs, robes and strict formality to suits, briefcases and television cameras. Through all of these changes, the presentation of evidence has remained fairly constant. There have always been concerns over whether evidence or testimony is trustworthy, authentic or misleading. In today's world, we have the ability to manipulate the facts, documents, photographs and even testimony through the use of computer technology in ways that were unimaginable in the last decade. Like all technology, these new cutting edge techniques can make trial more efficient, more informative and more entertaining for the jury and the judge, but they can also raise concerns over whether what the jury sees are actually factual events or are they a created show put on by the attorneys.

There is a benefit that goes along with processing evidence on paper and display panels. By using enlarged photographs or documents, the attorney can choose to leave a piece of evidence, such as a crime scene, on display for a jury to see throughout the presentation of other evidence. Likewise, the handling of the original document, the actual piece of equipment or evidence and the use of simulated models helps the jury make a personal connection to the scene, the incident and the key events in question. It has long been a useful trial tactic to use diagrams and hand drawn charts created during trial to lead the jury through the logic of the legal theory.

With new technology that has been installed in the courtrooms, the attorneys for both parties can prepare presentations and bring them to court on a laptop computer. The courtroom ELMO system allows a witness to view a photograph or document and interact with the evidence. For example, the expert can touch the monitor at the witness stand and draw a line on the display, even though the actual photograph is on an overhead-type of machine. The line on the display is transmitted and is visible on the monitors in front of the judge, jury and opposing counsel. The display can be modified by the attorneys and the witness for the clarification of the jury, however the original piece of evidence remains unchanged. Unfortunately, the changes are for clarification only and do not become admissible evidence that can be taken to the deliberation room by the jury,

while an enlarged display panel or handwritten chart can be moved into evidence.

Counsel has a technological advantage as well. Through modern litigation software programs, such as Summation, all prior discovery, deposition testimony and pleadings can be stored electronically. The attorney then has the ability to highlight and locate prior testimony or a specific section of a document within minutes and to bring it up on the display monitors in the courtroom. The modern courtroom has wired connections located at counsels' tables for this purpose. Since these programs require the documents to be scanned and/or downloaded into the program, the cost can be prohibitive. These programs may not be the most efficient choice for a small case with limited evidence. However, in a case that may involve many deposition transcripts and potentially millions of documents and millions of dollars in question, the use of these programs is the most efficient means that currently exists to handle the evidence for a trial presentation.

The judges can vary in their appreciation for the use of technology as well. While some judges are more skeptical of evidence and the accuracy of what is being presented, most of the judges are not required to be familiar with reading pleadings on computer monitors due to electronic filing procedures used by the court administration. While the technology is often developed to assist with presenting evidence to a jury, it is often useful even in a bench trial. A judge will not be required to page through a thick unmanageable binder of documents to find the actual page that is being referred to by counsel. By using the courtroom monitor, the document can be placed before the judge without delay or the possibility of having different participants looking at different evidence.

With all of these technological options available, counsel can often be intimidated. It is often easier to stick with the tried-and-true methods of presenting evidence. In some cases, the traditional and methodical methods can be advantageous. However, in a large case, opposing counsel may have retained and utilized the latest experts and technology to explain their client's position clearly and concisely in a matter of minutes instead of hours. If you are required to present evidence explaining a complex theory of defense in the face of such efficiency, you may be doing your client and yourself a disservice by failing to be prepared.

Additionally, a lack of familiarity with the use of the equipment can give a negative appearance and impression to the members of the jury or to the judge. Effective trial presentation is based primarily upon preparation, preparation, preparation. The modern practice of law requires that preparation of your presentation of evidence includes competence in the use of the technology as well, or at the very least, the use of a fully informed paralegal to assist at trial. Fortunately, the court clerk's office is very willing and helpful, with a call beforehand, in allowing counsel to have access to the courtroom technology prior to trial, both to train on the equipment and to practice the presentation of evidence. The best prepared presentation of video, powerpoint, and summation can be derailed by the lack of a proper connection or the inability to operate the computer.

Your client should also be prepared to and also has to be willing and able to interact with the technology that you are using for trial presentation. If your client cannot communicate the necessary information, the point may be lost on a jury. Juries are made up of everyday people from various backgrounds. Today's

society is very familiar with communications through video and technological means. High definition televisions, super-technical criminal investigation television programs and a need to understand your factual story in a matter of a day or two requires that the evidence be presented in a fashion that will actually reach your audience. You and your client should work together closely to prepare the trial presentation. If your client knows where your presentation is going and what is being communicated, the evidence is clearer and your story is more effective.

New technology isn't just a fad or a passing fancy, it is here to stay, at least until the next best thing comes along to make it obsolete. Litigators need to be prepared for whatever is thrown at us in the courtroom. Many of us pride ourselves on the ability to adjust and appear confident under many circumstances. Don't let the technology slow you down. Be prepared and you will control the case and the trial. ●

Timothy P. Thomas is a partner at Kolesar & Leatham, Chtd. in Las Vegas, practicing in commercial litigation and bankruptcy, specifically in financial, construction and manufacturing areas.

INTERVIEWING TIPS: GETTING YOUR DREAM JOB

By Ann Lyter Thomas

You've done it. You wrote an intriguing cover letter, you impressed with your resume and grades, or you may have submitted a knockout writing sample. However you did it, you have someone's attention because you have a job interview with a firm you think you want to work for. Now the trick is to hit the homerun and get a job you will love.

First things first, what should you wear? Generally, a dark, conservative suit. It does not have to be custom-made Italian silk, but it should fit well, look professional and announce to the world, "This is a lawyer to be taken seriously." Make sure you are comfortable in it—wear the suit before the interview. I once spent an entire day in interviews distracted because I was concerned the skirt to a new suit, which seemed fine in the store, was too short, especially when I sat down. And when I was the interviewer, I once rejected an applicant, in part, because he spent the entire interview picking at his suit (the story about roadkill didn't help him either, but more about that later). Be aware that, silly as they may seem, many interviewers were given hard and fast rules about what to wear for an interview and they

may expect you to abide by them, i.e., no green, red or purple suits, no large jewelry, etc.

Additionally, you should shine your shoes and make sure your hair and nails are neat. I recommend women wear makeup and keep it neutral. I know it is unfair, but women without makeup are often perceived as not being "pulled together." Bottom line is you do not want anyone to remember what you looked like, beyond noting that you looked professional.

It may seem obvious, but arrive a few minutes early. If you are late, you will not get the job. Greet the receptionist courteously. If you are rude to the receptionist, you will not get the job. Note: never underestimate the power of the support staff—they are the backbone of any firm. If they meet you, they will be asked what they thought of you.

The point of the interview, from the firm's perspective, is finding out if you will fit in. You already have the paper credentials or you would not have the interview. Now you need to show them who you are. Be animated and interested in the person you are

meeting with. Show a bit of yourself. At the same time, be judicious.

I once interviewed a law student who never looked me in the eye, was generally not animated and, as mentioned before, picked at his suit distractedly while we talked. The only time he became animated was when talking about his hobby, taxidermy, and how on the way to the interview he saw a dead fox on the side of the road and stopped to pick it up so he could stuff it later. Hint, roadkill is not a good interview topic.

Being a lawyer is about attitude, not just knowledge. Give yourself a pep talk before the interview. You can show a bit of positive aggression even. For example, a student was once asked, “Why should we hire you?” She answered, “Because if you don’t, you will face me across a table some day and wish I was on your side.” They made her an offer.

But, know where the line is between acceptable and unacceptable. A candidate once announced at lunch, “I’m going to be an asshole litigator. Is there room in the firm for an asshole litigator?” The reviews for this candidate ranged from, “no,” to, “if you hire him I quit.” His comment was particularly inappropriate given that the senior partner of the firm is on the ALI/ABA panel, “Dealing with the SOB Litigator.”

And that brings up another point, know your audience. Research the firm. Review their website and their Martindale listings, if they have them. Run a Westlaw or Lexis search for reported cases or Google them. If you know with whom you will be meeting, be sure to research those individuals. If you know a bit about the firm and its attorneys you can avoid

faux pas. And just as importantly, you can get a sense of whether you want to work there.

Remember, and this is as important as anything I have written so far, you are also interviewing the firm. You want to find out if you would be happy working there. Some firms are hierarchical, some more informal. Some are “lifestyle” firms; others are more intense with an emphasis on billable hours and a correspondingly high compensation structure (hopefully). Some are boutique firms focusing on a narrow area of practice; some have departments in all areas of practice. Some are defense-oriented and others plaintiff-oriented. You should have a sense of what you are looking for in a firm and then ask the right questions. Ask about partnership and how frequently do associates make partner. Ask about turnover of associates and staff. High turnover is a red flag. If associates are turning over, they are not making partner and if staff is turning over, it is likely an unpleasant place to work with substandard staff. Don’t just focus on required billable hours but how many are typically worked. If only 150/month is required but the associates average 200, 210 may be required for advancement. Are the associates happy there? Do the associates go to lunch together or socialize outside of work? Are the partners happy? Ask the same questions of different people to see if you get different answers. Try to get to know the people you are interviewing just as they are trying to get to know you. If the conversations are stiff and you cannot find any areas of common interest to discuss, you may not want to work there, even if you do get an offer. ●

Ann Lyter Thomas is an attorney with the firm of Kolesar & Leatham, CHTD in Las Vegas, Nevada. She has written extensively and taught legal writing at UNLV School of Law.

FUNDING SOURCES FOR TIPSTERS

By Martie Garcia

You have received your shiny new ABA membership card in the mail and you have joined *TIPS*. You start to receive publications that introduce an array of committee meeting dates and locations. The meetings sound appealing, discuss your interest practice area, and seem to work with your schedule this semester. The inevitable question for most students arises: how can I afford the trip? Consider the following three *TIPS* as a source to explore the opportunities available.

Introduce Yourself As An ABA Member To Your SBA Officers.

The SBA board at your school has already committed to certain duties and committees for the student body, thus they may have limited time to devote to ABA meetings/events. Express your willingness to act as a liaison for them and introduce yourself to the current ABA representative. Your relationship with these leaders may be the key at exploring funding options available to students.

Apply For A Leadership Position Within TIPS

Every year *TIPS* accepts hundreds of leadership applications from law students from across the country. *TIPS* has a variety of opportunities for student leadership positions and has a great selection of committees for students to select from as top interest areas. Some leadership positions are fully funded to attend *TIPS* meetings throughout the year. Leaders that are not fully funded can apply for the *TIPS* scholarship. The scholarship program awards monies to cover meeting expenses for non-funded leaders and members.

Bar Passing Tips

By Alyssa McCorkle

“Pencils down. Stop writing!” screamed the proctor. Did I write everything down, I wondered. Was it the correct rule of law? Were there other issues? I obsessed over the possible errors I made during the extremely limited amount of time given. I had to show the whole world in just a couple of days of testing that I possessed the knowledge and training to be an attorney.

I never thought I could be a first time bar passer in two states, but as luck would have it the stars were aligned in my favor those bar testing days. Many law students and recent graduates ask me, “What did you do to pass the bar?” My answer to this commonly asked question requires both a physical and mental solution to the bar exam.

First, you need to classify your study habits correctly. Each bar studier has a different personality. Similarly, each bar studier should use different study tactics. What works for your study partner might not work for you. For example, you might have a sharper short-term memory than one of your classmates and would want to spend most of your time memorizing closer to the date of the exam; whereas, your study partner could begin memorizing immediately and retain the knowledge. The great thing about law school exams is they prepare you to know your study type. Look back at your past exams and determine if your grades were higher on exams you prepared for weeks in advance or were they higher on exams you pulled the all-nighter routine. Analyze your past studying techniques; whether it be practice exams, reviewing in class notes, multiple choice, re-writing the rules of law,

Brief Your Dean

Introduce yourself to your dean as an active ABA member or leader. Show the dean a copy of the letter notifying you of your selection as a leader within the *TIPS* (if applicable) and present him/her with literature detailing the meeting specifics. The dean oversees funding and building a good rapport can assist you with securing travel funds if other opportunities do not pan out. ●

Martie Y. Garcia, is a recent graduate from Thurgood Marshall School of Law in Houston, Texas. Her most recent work includes a tenure as a Policy Advisor for the Texas Senate during the 80th Legislative Session.

using flashcards, or listening to taped lectures. Determine which approach worked best for you in the past and incorporate it into your studying routine for the bar. For example, I noticed that I performed better on tests where I memorized the rules of law by handwriting them, so I bought a small white board for the bar and rewrote the rules of law a dozen times before I thought I had them sufficiently memorized.

Listen to your Bar Prep program and give it your complete faith. Students and bar passers will swear up and down that the bar program they used is the best. Choose a program that best matches with your study type and stick to it. Once you have made a choice do not let others sway your decision and be confident in your choice. Also, give your complete faith in the program and believe that what they are saying is true. Follow their directions, with the caveat that you tailor the program to match your study type. For example, a program might tell you to do 50 multiple-choice questions a day. If you are having low scores on multiple-choice questions then you might want to do 60 questions a day.

Realize the bar is a mental game. The bar exam is a great mechanism to test your ability to work well under pressure and to work well with others. The bar exam is a competition to limit the entrance of bar applicants. Remaining calm through the bar studying phase is important. Most students feel that they are not prepared walking into the bar exam. I remember thinking, “I only need two more days to study”. But the fact of the matter is your brain can only retain so much informa-

tion and it is impossible to know everything. Once you understand that everyone else is in the same boat, you have a better chance of passing. Do not listen to your colleagues' stories of studying for 16 hours a day, memorizing ten subject areas. While that might be true, it has no bearing on your studying progress. I knew students who studied every day for fourteen hours a day for three months and did not pass, and I know a student who studied for only two weeks and passed. Time and effort for a bar exam are only as good as the level of confidence exuded.

Exercise. Scientific research has shown that students perform better with physical stimulus. Many bar studiers falsely believe that all their time should be designated directly to studying. Take the time to go to the gym or take a walk during breaks. It is important to clear your head and to provide your body with healthy food. It will be difficult to tear yourself away from the books, however, develop a routine where you can bring a book or study chart on the elliptical or listen to audio lectures while pumping iron.

Don't overdo it. Many law students tend to fall in the "Type A" category of overachievers. While there is nothing inherently wrong with this classification, it

sometimes causes studiers to burn out before the bar exam. Studying more does not necessarily mean studying smart. Knowing your study type helps with understanding when your brain is fried. The bar exam is concerned with the quality of your work, not the amount of hours you spent at a library.

Finally, remember to practice. Do as many practice exams as you can before the date of the test. Studying only the rules of law is pointless unless you know how to apply it. Take practice tests without using your notes. This is a good indicator of how much you have retained and how well your memorizing techniques have worked.

Knowledge is power, and understanding how to retain such knowledge is the power to pass the bar. With a little luck, and hard work, you will find your destiny written in the stars, and hopefully on the bar pass list. ●

Alyssa is a 2007 graduate of the Thomas Jefferson School of Law. She is an associate at Pite Duncan, LLP in El Cajon, California. She is admitted to the state and federal courts of California and Arizona. While in law school, Alyssa was elected to the ABA Board of Delegates representing the Law Student Division.



SAVE THE DATE
CELEBRATE TIPS 75TH
ANNIVERSARY
AT THE
ABA ANNUAL MEETING
~ NEW YORK CITY ~
AUGUST 7-12, 2008
JOIN TIPS FOR:
AMAZING CLE PROGRAMS
A TIPS EVENT ON ELLIS ISLAND
"GENERATION TO GENERATION"
DINNER AT THE UNITED NATIONS