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## Business Law Today

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### Snap Judgments

By Molly Thomas

#### YouTube, I Tube, LawTube

Part directory, part marketing tool, [LegalTube](#) is a recently launched website that hopes to make introductions between lawyer and potential client, reports the *Connecticut Law Tribune*. The site is intended to mimic that initial conversation for a prospective client—learning about the lawyer's personal style, experience, areas of expertise, and answers to general queries. As opposed to a standard directory where only certain text information is available, lawyers participating in LegalTube can not only give virtual tours of their offices, but also give viewers insight into their firm, their personality, and their background. Most videos are around two to three minutes in length and LegalTube's search features allow users to search by practice area as well as by state. In addition to the video listings, LegalTube also posts episodes of Birmingham, Alabama, night court proceedings in a series called "Law After Dark."

#### Looking for Leaks

Companies nervous about sensitive information sneaking out the door, or, rather, the e-mail outbox, are taking extra steps to monitor employee activity—some are hiring staff specifically to monitor outgoing e-mail, reports the *National Law Journal*. A study by Proofprint found that 38 percent of large U.S. employers are scrutinizing outbound e-mail for leaks of confidential information. That number is up from 29 percent in 2008. E-mails aren't the only communications that have employers worried—as social networking sites such as Twitter and Facebook have grown in popularity, so have reprimands and even firings over misuse of such sites. Eight percent of companies in the Proofprint study reported firing an employee in the last 12 months over issues initiated via social networking sites. Seventeen percent reported having disciplined an employee in the past 12 months over violations of blog or message board company policies, up from 11 percent last year.

#### Part-Timer Popularity

According to the Project for Attorney Retention, or PAR, an organization that promotes a healthy work-life balance for lawyers, the number of partners working part time has increased drastically since 2006, from 1.6 percent to around 12 percent this year, reports the *American Lawyer*. Part-time partners are still generating quite the profit for their firms though, with many respondents reporting billing between 1,200 and 1,600 hours per year. What might be even more of a surprise is the number of litigators in the part-time wave. "Back 10 years ago, people said you can't work part-time as a litigator," said PAR director Cynthia Calvert. "But that's not true. With litigation, there's more peak and valley, and you can work intensely sometimes and not others." Insurance and mergers and acquisitions still don't make up a significant percentage of lawyers working part time. Large New York firms were mostly absent from the PAR study, raising the point that had they been included, the results may not have tipped so heavily toward a burgeoning new trend.

#### Sorry Stapling Skills

The *New York Law Journal* reports that a judge threw out a tort action in Queens, New York, in part because of a poor stapling job. The judge wrote, "The poor stapling of the papers was so negligent as to inflict, and did inflict repeatedly, physical injury to the court personnel handling them. Such negligence on the part of counsel shows a lack of consideration." According to a clerk for the judge, the poorly stapled complaint drew blood twice.

#### Small Business Reprieve Ends

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Smaller businesses, those whose marketing capitalization is less than \$75 million, will now have to comply with Section 404, or the auditing provision of the Sarbanes Oxley corporate reform law, as decided by the Securities and Exchange Commission recently, reports Reuters. The law was passed in 2002 after a surfeit of scandals had weakened consumer trust in capital markets. Although the compliance decision had been delayed multiple times, as of June 15, 2010, small companies will have to report their internal controls' effectiveness. They had previously been exempt because of their disproportionately higher costs of compliance versus larger firms.

#### Big Change for Bar Exam?

According to the *National Law Journal*, several states are considering one of the biggest changes in bar procedure in recent history: a uniform bar exam that would nationally standardize qualifications for lawyers. According to Erica Moeser, the president of the National Conference of Bar Examiners (NCBE), "roughly 10" states intend to use the uniform exam by 2011, although which states those might be is not yet clear. As of yet, New York, California, Illinois, the District of Columbia, Florida, and Texas have all decided not to participate, and being the largest legal markets in the nation, their pass on the movement is significant. Concerns include scoring issues and scheduling conflicts, not to mention the worry that a uniform exam would discount important concepts that differ from state to state. The uniform test would consist of three test components developed by the NCBE— the Multistate Bar Exam, already in use by 22 jurisdictions; the Multistate Essay Exam; and the Multistate Performance Test. For the test to become truly uniform, score conformity and portability would have to be established in order for applicants' scores to be honored by all participating states. Scoring currently varies between jurisdictions according to scales and question type. Participating states could still require a state-specific component of the exam, but the score on that portion would not factor into the portable score.

#### Twitter Writ

The United Kingdom's first ever injunction via [Twitter](#) was ordered recently, according to *New York Lawyer*. The court determined that the social networking site was the best method to serve to reach an anonymous person using the same site to impersonate Donal Blaney, the right-wing blogger and owner of Griffin Law. The next time the user opens his or her Twitter account, he or she will receive a message from the High Court with an order to discontinue posting, to clear past messages, and, via web link form, to identify him or herself to the court. Twitter's success has been followed by hundreds of impersonators, in particular of celebrities, a problem that was so common that the site has launched a program in which a seal of authenticity appears on the pages of high-profile Twitter users. The implications of this decision get closer to the heart of the Internet anonymity issue, and Matthew Richardson, the barrister behind the injunction, saw this as a victory, saying in a statement, "People have to learn that they can no longer hide behind the cloak of anonymity the Internet provides and break the law with impunity." Others were impressed with the highly contemporary nature of the issue and the fact that the courts were so willing to adapt their delivery methods. "The law tends to be quite cumbersome and slow," said Strathclyde University faculty member Dr. Konstantinos Komaitis, "so to have a court deliberate on something like Twitter—so hot, so relevant—it shows quite impressive engagement."

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