

President's Message

LAWRENCE R. BACA

I'm Retired: Now What Do I Do?

TWO OF THE three bar associations to which I belong, the Federal Bar Association and the Virginia Bar Association, have Senior Lawyers Divisions.¹ I have said for several years that I'm not old enough to be considered a senior lawyer—those are divisions for

old folks and I'm not old. But the divisions send me their mailings anyway. When you reach senior status, it follows, as day follows night, that soon you'll be retired. I am, in fact, retired. All too many lawyers in my category ask, "So what do I do now?" Let me assure you, retirement is not for wimps. However, with apologies to William Shakespeare, be not afraid of retirement: some are born retired, some achieve retirement, and some have retirement thrust upon them.² The short answer is: there's a lot that you can do when you retire.

I have many proposals, among them: teach, mentor, mediate, and volunteer your time. Doing these things doesn't mean that you are not really retired. It means that you want to contribute to society, keep your mind active, give back to your profession, and give to your community. Volunteering allows you to continue to be a productive member of society but control the amount of time you give to any task. Trust me, traveling, going fishing, hiking, and taking lots of photographs are also on my list of things retired lawyers should do. But there are options aplenty for volunteer work. Again, to paraphrase Mr. Shakespeare, there are many more things in the world than are found in my philosophy.³ (The man really did know everything!)

I'll be offering my services as an adjunct professor of law. Teaching is an art form, so think about your local schools. The opportunities range from volunteering at elementary and secondary schools, to leading discussions on civics or the American judicial process, to teaching a full-blown course as an adjunct professor at a local college or law school. Many of us in the FBA work in areas of law that are so esoteric that a law school may not have someone on board full-time to teach them. An adjunct professor might be the perfect solution for you and for the law school. For the retired lawyer, teaching a law school course means a 16-week commitment and an opportunity to share what you've learned in 30-plus years of practice. Frankly, teaching also offers an opportunity to engage in dialogue with students, which keeps your mind alive. Even when you know your subject well, students can ask some challenging questions. And the student gets that golden opportunity to study with someone who has been in and

around the courtroom. Adjunct professors probably can't compete with the scholarship of full-time professors, but we often have better war stories.

Do you speak a second language? You can volunteer some time to serve a community that may not be able to find an attorney who speaks their language. Immigrant communities need lawyers to look at basic things. Some may want a lawyer to look over the contract from the store where they are buying a refrigerator or a washing machine; even though everything in the contract might just be routine boilerplate language, the comfort of having someone tell them that in their own language is immense. Others may need a lawyer to prepare a will. Some families that are barely above the poverty level still want to have their few possessions transferred to their children through a simple will. Although that will is simple to you and me, it means everything to that family. And if that family doesn't speak English as a first language, your ability to ask them in their own language what property they own and in what manner they want it to be distributed is a great benefit to them.

Mentoring is important and can take on many shapes. I've mentored students in person, by telephone, and via e-mail. You can work with college students who are thinking about law school. They need advice and guidance on courses to take and how to prepare for the LSAT exam. You've been there, so you know the ropes. You can offer the law student advice on preparing for the bar exam or just some ethics heads-up like "Be sure you pay all your outstanding parking tickets before you apply to the bar for membership."⁴ Sometimes the student needs an adult to say, "You might think [the city where you go to school] is the embodiment of evil and that you are the leader of the rebel forces who will crush the parking meter readers by not paying those tickets, but the ethics board of the state where you take the bar exam sees you as a scofflaw who they may not want



MESSAGE *continued on page 15*

owner can take a reasonable amount of time to determine if the morals clause has been implemented.⁶ Although it seems unlikely that time will change the result in Miss Celeb's case, the brand owner does have time to determine the public's perception of the incident and decide if it wants to terminate the endorsement arrangement.

Celebrity endorsements are a risky business for brand owners. There are still hundreds of thousands of boxes of Super Sugar Puffs boxes bearing Cindy Celeb's picture on the market, so there is some potential for damage to Super Sugar Puffs associated with the agreement with Cindy Celeb. However, you can minimize the damage by canceling the grocery store appearances under the morals clause and not printing any more cereal boxes that have her picture on the front. While you are glad your attorney included the morals clause in the agreement as a way to minimize your damage, you are starting to understand how Snap, Crackle, and Pop have been able to keep their endorsement gig since the 1930s. **TFL**

Sarah Osborn Hill is a registered patent attorney and a member of the Intellectual Property and Technology Licensing Group of Wyatt, Tarrant, & Combs LLP, where she counsels clients and litigates in patent, trademark, copyright, unfair competition, trade secret, and advertising matters. She is based in the firm's Louisville office and can be reached at shill@wyattfirm.com.

Endnotes

¹See Noah B. Kressler, *Using the Morals Clause in Talent Agreements: A Historical, Legal and Practical Guide*, COLUMBIA J. OF L. & THE ARTS, 235, 240–41 (Winter 2005).

²Adapted from *Loew's Inc v. Cole*, 185 F.2d 641, 645 (9th Cir. 1950).

³See *Loew's*, 185 F.2d at 641, *Twentieth Century Fox Film Corp. v. Lardner*, 216 F.2d 844 (9th Cir. 1954); *RKO Pictures Inc. v. Jarrico*, 274 P.2d 928 (Cal. App. 1954); *Scott v. RKO Radio Pictures Inc.*, 240 F.2d 87 (1957); *Nader v. ABC Television Inc.*, 150 Fed. Appx. 54, 2005 WL 2404546 (Sept. 30, 2005).

⁴See Kressler, *supra* note 1, at 235, 255.

⁵*Id.* at 251–52.

⁶*Loew's*, 185 F.2d at 655–56.

MESSAGE continued from page 3

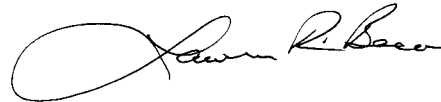
joining their bar." As with the Rashomon Effect, it's all in the perspective.

So, by any means necessary, do something for the greater good with some of your retirement time. As Dylan Thomas wrote,

Do not go gentle into that good night,
Old age should burn and rave at close of day;
Rage, rage against the dying of the light.⁵

Of course, you could also run for president of your

bar association. But above all else, do not go gentle into that good retirement.⁶ **TFL**



Endnotes

¹The National Native American Bar Association does not have a section or a division devoted to senior lawyers.

²Adapted from "Twelfth Night," Act 2, Scene 5: "Be not afraid of greatness: some are born great, some achieve greatness and some have greatness thrust upon them."

³With apologies to Mr. Shakespeare's *Hamlet*.

⁴This is a specific example that Jim Richardson, a former president of the FBA, and I got from the dean of a law school in Washington, D.C., who thought that students would find it beneficial to hear what someone from the ethics review board of a state bar has to say.

⁵Dylan Thomas, "Do Not Go Gentle Into That Good Night." (1951)

⁶With apologies to Dylan Thomas.

CYBERIA continued from page 13

disabling your display of HTML content. Unfortunately, you won't be able to see any other images that are embedded in the body of received e-mail messages. (Image files sent as e-mail attachments will still get through, however.)

PC World points out that, for people who use Outlook (versions 2000 through 2003) and don't want to turn off HTML in their mail messages, former Netscape programmer Mike Belshe has created a free program called "NoSpyMail" (belshe.com/nospymail) that can detect and block Web bug elements in messages coming through sources like Msgtag and DidTheyReadIt without requiring you to turn off HTML in your e-mail software.

Conclusion

It is an interesting world out there in Cyberia. It is important to know what's going on and to take necessary steps to protect your interests. In using any software that tracks e-mail messages, it is crucially important for lawyers to consider all ethical implications, including—but not limited to—the implications of using any source that could arguably compromise the attorney-client privilege. **TFL**

Michael J. Tonsing practices law in San Francisco. He is a member of the FBA editorial board and has served on the Executive Committee of Law Practice Management and Technology Section of the State Bar of California. He also mentors less-experienced litigators by serving as a "second chair" to their trials (www.Your-Second-Chair.com). He can be reached at mtonsing@lawyer.com.