



Raising the Bar

The newsletter of the
Young Lawyers Committee

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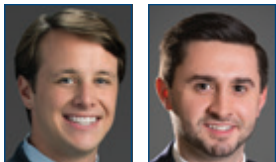
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Feature Article

Sweeping Amendments to Michigan Court Rules: An Emerging National Trend?

By Connor B. Walby and Brandon M. Pellegrino



The last week of June 2019 marked the most fundamental change in Michigan law in over twenty years as the Michigan Supreme Court adopted extensive

amendments to the Michigan Court Rules (“MCR”) that govern civil discovery. These amendments are an important step towards aligning the Michigan Court Rules with the Federal Rules of Civil Procedure, namely Fed. R. Civ. P. 26, and will drastically change the practice of law in Michigan, as the rules governing Michigan’s civil discovery proceedings had not been extensively updated in over thirty years.

To the extent your state’s civil discovery court rules are not aligned with the Federal Rules of Civil Procedure, you should anticipate comparable changes in the near future. Why? The Federal Rules of Civil Procedure civil discovery rules are intended to be efficient, cost-effective, and prevent discovery abuses, and these positive changes to Michigan’s civil discovery practices help serve those goals.

Below are highlights of the newly adopted rules that take effect on January 1, 2020.

Initial Disclosures

Like Fed. R. Civ. P. 26(a)(1)(A), MCR 2.302(A)(1) now requires Michigan litigants to exchange initial disclosures that contain the factual basis, legal theories, and identities of witnesses that support a party’s claim or defense, along with a copy or description of documents supporting a party’s claim or defense.

Unlike Fed. R. Civ. P. 26, however, this amendment requires parties to identify “anticipated subject areas of expert testimony” in their initial disclosures. The amended MCR 2.302(A)(1) also requires the defendant to produce a copy of its insurance policy or pertinent portions thereof or make the policy available for inspection by the plaintiff, if the defendant has insurance coverage in the event of a damages award.

Requiring the early exchange of supporting information and documentation may lessen the need for extensive dis-

covery later, thereby reducing the overall cost of litigation. Moreover, the amendments to MCR 2.302(A)(1) requiring the exchange of initial disclosures bring Michigan in line with federal courts and with the many states whose rules follow federal requirements.

Proportionality

MCR 2.302(B)(1) modifies Michigan’s scope of discovery by adding a “proportionality” requirement, removing the previous standard that information be “reasonably calculated to lead to the discovery of admissible evidence” in order to be discoverable. The factors determining proportionality mirror those in Fed. R. Civ. P. 26.

This limitation on the scope of discovery in Michigan state court is a welcome development for defendants who routinely face overly broad and burdensome discovery requests from plaintiffs. At least in the short-term, the proportionality requirement is likely to lead to an increase in discovery motion practice, as parties litigate what is “proportional to the needs of the case.” It is also likely that, as in federal court, many practitioners and judges will initially try to retain the previous “reasonably calculated” standard. It is important that corporations make certain to apply the correct standard and, where necessary, correct judges and plaintiff’s counsel who may try to maintain the now outdated status quo.

Limitation of Interrogatories

Each party is limited to 20 interrogatories, including discrete subparts. MCR 2.309(A)(2).

This limitation requires parties to be “surgical” in their approach to written discovery and will reduce the time and money spent by corporate defendants responding to endless sets of interrogatories. However, the new rules contain no limit on document requests or requests for admissions.

Medical Authorizations

In personal injury disputes, MCR 2.302(A)(3) now entitles defendants to fully executed medical record authorizations

using a form provided by the state or agreed upon by the parties.

This is a welcomed deviation from the federal rules. Requiring signed, blank medical authorizations will put an end to the frequent and often dragged-out battles with plaintiffs to sign authorizations and will forestall plaintiffs' attempts to produce their own copies of medical records. Consequently, defendants may quickly ascertain a plaintiff's medical condition, which will expedite the work of defense experts and, potentially, case settlement.

Discovery Planning

MCR 2.401(C) allows the parties to hold a discovery planning conference and prepare a joint discovery plan upon order of the court or written request of any party. The discovery plan must address all known discovery issues and propose deadlines for the service of disclosure and completion of discovery. Once ordered, a party may only request a change to these deadlines upon a showing of good cause. If the parties disagree to certain provisions of the discovery plan, they may submit a stipulation or motion to the court. The court may also enter sanctions against any party or attorney who fails to participate in a good faith preparation of the discovery plan.

Like many of the changes to the Michigan Rules that have been adopted from their federal counterparts (see Fed. R. Civ. P. 26(f)), this amendment will require Michigan litigants to analyze the needs of their case from the outset and carefully plan the scope and timing of discovery. Parties may no longer move discovery deadlines simply because they failed to serve discovery within the allotted time. Furthermore, the potential for sanctions against either a party or an attorney who fails to participate in

good faith in the development of a discovery plan will require all parties to assess their discovery needs early and take their discovery obligations seriously.

ESI Conference / ESI Plan

Parties may now request, or the Court may order, the parties to participate in an ESI (electronically stored information) conference and draft an "ESI Plan." MCR 2.401(J). The rule also requires that attorneys who participate in the ESI conference have sufficient knowledge of their client's technological systems in order to address ESI issues. Counsel may also bring a client representative to assist with such discussions.

While this change, which is not mirrored in the Federal Rules, will provide knowledgeable ESI attorneys with an advantage over their less-ESI-savvy counterparts, it will also require corporate defendants to disclose more information about their document storage systems and intended search process than before.

Failure to Preserve ESI

MCR 2.313(D) has also been modified to mirror the federal rules (see Fed. R. Civ. P. 37(e)) and dictates that the remedy for the failure to preserve ESI must only be sufficient to cure any prejudice to the requesting party, unless the court finds that the failure to preserve was intentional and meant to deprive the other party of the information requested.

This rule should, in theory, prove helpful in minimizing the draconian sanctions that courts have previously rendered for inadvertent failures to preserve relevant data. However, federal courts have seemed reluctant to follow the requirements of Fed. R. Civ. P. 37(e), often relying on



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their “inherent authority” to navigate the limitations on sanctions under Rule 37(e). Michigan judges may find similar ways to sanction defendants for the inadvertent deletion of ESI.

Other notable changes to the Michigan Court Rules that will take effect in 2020 include allowing the parties to mediate their discovery disputes upon court order or agreement of the parties (MCR 2.411(H)); limiting the length of depositions to one 7-hour day (MCR 2.306(B)(3)); changing the rules governing the issuance of subpoenas to non-parties (MCR 2.305); and requiring discovery to be served sufficiently in advance of the discovery cut-off date to allow the answering party to respond within the time allotted under the rules (MCR 2.301(B)).

For more information and to discuss the impact of these changes in more detail, please contact either Connor B.

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Brandon M. Pellegrino is an associate in the Bloomfield Hills, Michigan, office of Bowman and Brooke LLP. Brandon has experience representing businesses in product liability, consumer warranty, personal injury, and complex construction litigation. He has also focused his practice on e-discovery issues, including extensive experience with complicated product liability discovery. Brandon can be reached at brandon.pellegrino@bowmanandbrooke.com.

Article of Note

Practical Digital Security Tips for Young Lawyers

By Jonathan B. Skowron



Having been raised in the age of the Internet, we millennials often take our comfort with new technology for granted. Indeed, for most of us, it is difficult to even remember a “time before computers.” That said, while almost everyone knows not to use “1234” as a password, there are a few less intuitive aspects of digital security in the legal context that a young lawyer (and all lawyers) should consider and take to heart.

Digital Security Is Your Ethical Duty

First and foremost, attorneys have an *ethical duty* to practice in a digitally secure fashion. ABA Model Rule 1.1 states that “[a] lawyer shall provide competent representation to a client,” and in 2012, Comment 8 to that rule was amended to say that a lawyer must keep abreast of changes in “the benefits and risks associated with relevant technology.” Thus, digital security is not only a good business practice; it is our obligation as officers of the court.

Unencrypted Email Is Usually OK, but Not Always

Most of us grew up with email, so using it to practice law is all but second nature. However, many of the communi-

cations we send as attorneys contain confidential and/or proprietary information, and most email programs do not encrypt communications by default. (If you are not aware, “encryption” very generally means that the email program will encode a message so that it can only be decoded and read by the recipient.) While that is perfectly acceptable for communicating with friends and family, are lawyers permitted to use unencrypted email in their practice?

The answer is, of course, “it depends.” ABA Model Rule 1.6(c) states that “[a] lawyer shall make *reasonable efforts* to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client” (emphasis added). In Formal Opinion 477 (May 11, 2017), the ABA stated that “the use of unencrypted routine email generally remains an acceptable method of lawyer-client communication.” That said, the opinion also noted that technology and threats are always changing, and that lawyers must “on a case-by-case basis, constantly analyze how they communicate electronically about client matters.” As encryption tools become more accessible—and perhaps standard on many email platforms—an attorney’s duties in this area may change. For now, however, a lawyer can generally use unencrypted email for routine correspondence, but should seek to

encrypt any emails that contain particularly sensitive data or information, subject of course to any specific ethical rules that apply in their own particular jurisdiction.

Know Where Your Files Are—Literally

We all routinely backup our iPhones to iCloud (or the Android equivalent), share photos via social media, compute on cloud-based computers like Chromebooks, etc. But have you ever wondered where the information you are uploading to the cloud actually *is*? Atmospheric language aside, it's not floating up in the ether; it is, instead, in a very down-to-earth (and likely dark) server room in some very real city, in some very real U.S. state or foreign country. Again, that's fine for our personal photos and music collections, but it may not be acceptable for sensitive client data. For example, certain jurisdictions (especially foreign jurisdictions) have consumer protection and data privacy laws that could complicate your storage and use of that data, such as the European Union's General Data Protection Regulation. As lawyers, we have an ethical duty to safeguard client data, and so we must be aware of where and how that data is stored, and any jurisdictional regulations that apply to that storage.

Know How Your Files Are Secured and Under What Terms

Even if your practice utilizes cloud-based storage with a reputable company in the United States, you will want to make sure that you know precisely how that company protects those files. For example, many companies will offer free cloud-computing services, which can be very tempting to a new lawyer on a budget; however, the free versions of such programs often do not include encryption or other heightened security measures. Further, if you use a third-party cloud-storage company, read the fine print carefully: make sure that they do not assert some sort of propriety interest in anything you store on their systems, or otherwise exert control over your client's data.

Finally, you should also consider making periodic backups of any information you store in the cloud (and, frankly, on your own local systems as well). As was mentioned earlier, cloud-based systems still have very real server rooms that can malfunction, fail, or be damaged. The last thing you want to do is tell your client that you missed a deadline or lost their data because some basement server room in Florida (or wherever else) flooded over the weekend.

Securely Destroy or Redact Unneeded Data and Information

The delete key does not delete data. If you did not already know that, you know it now. If you have a thumb drive, outdated laptop, or old hard drive with client data on it, you cannot simply highlight the files, delete them, and then empty the recycling bin. The “delete” key does not *erase* data so much as tell the computer that the relevant section of data *can be overwritten* at a later time; but, until it is overwritten, the information is still very much there to anyone with the time or resources to access it. Most computers offer a secure wiping function (*e.g.*, they will allow you to overwrite the deleted data with other, nonsense data), and if yours does not, various vendors offer similar services. You should always be sure to securely, and permanently, delete any data before selling, disposing of, or transferring electronic storage media to a third party.

On a related note, be very careful with redactions, a task that often falls to junior attorneys or paralegals. Be aware that simply highlighting the text black in a PDF or Word document does *not* actually erase the underlying text and metadata, which can still easily be recovered. (A quick Google search will reveal just how often attorneys make this unfortunate mistake.) If you use a redaction tool in a software program, be absolutely sure you understand how it works. I have often found that, with particularly sensitive data, it is best to redact the document in electronic form, then re-print the document, and re-scan it in as a new PDF—thereby absolutely ensuring that no metadata sneaks through.

Low-Tech and Low-Cost Digital Security Tips

There are several other very simple digital security tips that you can implement today with little to no effort or added costs. First, create a default custom header or footer in your documents (and emails) that says “privileged and confidential” so that everything you create has this notation on it. While this will not by itself ensure that the document or email will not be intercepted, some courts have held that the mere inclusion of such wording can constitute part of a “reasonable effort” to safeguard data and communications. *See, e.g., Veteran Med. Prods. v. Bionix Dev. Corp.*, Case No. 1:05-cv-655, 2008 U.S. Dist. LEXIS 19468 (W.D. Mich. 2008).

Second, always send encrypted or password-protected files or media *separately* from any password that unlocks them so that, if someone does intercept the files, they cannot access them.

Third, lock your computer when you are away from your desk. If you have a Windows machine, this is as easy as hitting “WINDOWS + L,” and ensures that no one can use your computer or see your client data when you are away from your desk.

Fourth, be careful with public, unsecured Wi-Fi networks, and use them only when absolutely necessary. If you must use such networks on a regular basis, look into using a virtual private network (VPN) to protect your information. (There are many companies that provide such services and software.)

Fifth, if you have too many passwords to remember, and so have to write them down, do so in code. For example, if your password is “spoT2015,” do not write that down, but write, “Name of my dog, last letter capital, year I graduated.” Someone who finds that note will have a much

harder time decoding your password, but you will still be able to easily recall it.

Finally, and most obviously, remember that you do not always *have* to use email or the Internet. If there is a particularly sensitive issue you must discuss, pick up the phone, and call the other party—or better yet, go speak to them in person. After all, the easiest way to avoid having to produce the awkward email in the future is to never create it in the first place.

Jonathan B. Skowron is an Associate at Schnader Harrison Segal & Lewis LLP in Pittsburgh, and has a practice focusing on professional liability, product liability, insurance, business tort, and contractual litigation. He has represented clients in a wide variety of industries, including financial institutions, insurance companies, healthcare providers, engineering firms, attorneys, and industrial manufacturers.

Leadership Note—The Chair’s Corner

Sunglasses in November: Because the Future Is So Bright

By Shannon M. Nessier



It is hard to keep track of all the “year ends” that we have in our careers. We have the calendar year-end, the billable year-end, the fiscal year-end, but the one that gets me a little choked up is the DRI year-end that comes with the Annual Meeting. While I always get a little emotional with each changing of the guard that occurs as one DRI year ends and another begins, I have to confess that I am only ever filled with excitement. I think the DRI year-end is the best because it comes with the chance to relive so many happy memories of the year past, while turning our focus ahead to the milestones on the horizon for the new year.

So, I want to take this chance to look ahead to the 2019–2020 year, and talk about some important events, goals, and opportunities on the horizon for the Young Lawyers Committee (“YLC”).

First, I hope that everyone getting this newsletter is already an active, participating member of the YLC. This committee provides so many opportunities for young lawyers to build their brand, make valuable client and referral connections, and foster lasting relationship that

will sustain us throughout our careers. But the benefits of the committee are only as great as your investment in it—so if you are on the sidelines, just skimming newsletters and watching from afar, NOW IS THE TIME to make a commitment to get more involved. There is no shortage of work to be done, and we’d love to be able to welcome you into this community!

If you are already drinking the YLC cool-aid, or just trying to figure this whole thing out, let me highlight some great events, opportunities, and just big ideas we have for the year ahead:

- **Membership:** We want to make sure we are getting the best and brightest young lawyers in our profession to join DRI and get involved in the YLC. So, to help us all stay on track, you will be seeing emails from our amazing Membership Subcommittee as the year goes on to help you claim credit for members YOU helped bring to DRI, as well as asking you to get creative about recruiting even more talented new lawyers into our ranks. The Membership folks will be offering some inspiring incentives to bring in the most new members,

plus, the sheer number of cute animal and kids pictures makes reading to the end of each email totally worth it!

- **Diversity & Inclusion:** We had a discussion last year at our leadership fly-in in Austin about what we can do to support, develop, and expand diversity in this profession. We discussed some real issues facing our firms and our communities, and began a conversation about what we individually could do to make an impact. Well, that was just the beginning, and we plan to continue to put this topic front and center this year, including at our next leadership fly-in and at the Young Lawyers seminar in June. The YLC has often been the catalyst for big movements within DRI, and we want to be leading the way on this issue.
- **Fly-In:** As usual, we will host a leadership fly-in the Spring for all members of the YLC Steering Committee. This year, the leadership fly-in will be in Chicago, on Saturday, March 7, with very fun pre-event evening activities on Friday, so plan to arrive early if you can! You can rest assured we will be doing some real roll-up-our-sleeves work to continue the great strides made by this committee the last few years, while making the most of our downtime with relationship-building networking opportunities.
- **Supreme Court Swearing In:** One of the coolest things young lawyers do during their time in the YLC is get the chance to be sworn into the United States Supreme Court. This event usually happens early in the new calendar year. The dates are just being set, but since this is coming up fast, I wanted to get it on your radar. Attendees fly into D.C. the night before the ceremony for a group dinner. They then travel to the Court the following morning for the admission ceremony. New member admissions are generally the Court's first order of business. After everyone is sworn in, the group remains to watch oral arguments of two cases on the Court's docket. This is a not-to-be-missed opportunity. So, keep an eye out for emails about the date!
- **Seminar:** Like the bold pioneers we are, the YLC is again being given the chance to test out a new Seminar

location in beautiful ATLANTA, GEORGIA on June 24–26, 2020! We are so excited to be in a city with so much industry, so many commercial giants, and so much delicious food! The Seminar Planning Committee is hard at work, nearing the finish line on the schedule, and will be turning to planning some spectacular networking events. If you want to help out, they could always use more hands—so contact one of the chairs to get involved!

As I am sure you can tell, there is so much to look forward to this year, and I hope you are all excited. If we haven't met, make sure to introduce yourself to me at the next meeting, or even just drop me a line or give me a call. I hope to get to see a lot of new faces this year.

Before I sign off, I want to take a minute to make sure I welcome our newest YLC Chair to the Executive Committee, Catherine Ava Kopiec, and bid farewell to our outgoing Chair, Baxter Drennon. Catherine has been a true force to be reckoned with on every subcommittee she has led, and I know she will be a great leader for the YLC over the next three years. But, as we gain Catherine, that means it must be time to say good bye to our dear friend Baxter as he ends his year as the Chair of the YLC. DRI already gave Baxter the Chair of the Year award at Annual Meeting, so I won't go on and on about all his accomplishments. I will just say that Baxter Drennon is one of the most skilled lawyers I know, and is in fact the finest human I have been blessed to have in my life. Thank you both for your commitment to the YLC!

Shannon M. Nessier is an experienced litigator at Hanson Bridgett LLP in San Francisco, who focuses on the defense of product manufacturers, suppliers, and retailers as well as premises owners in personal injury and defective product/premises litigation. In addition, she provides advice and litigation defense on product and food labeling claims, Organic labeling issues under COPA, and Proposition 65 claims. She is an active member of DRI and the Young Lawyers Committee, chairing the YL substantive liaison and Annual Meeting committees before becoming vice chair and now chair of the committee.

Membership Minute

Member Spotlight: Carolyn Cole

By Jami Lacour Ishee



Carolyn Cole is an associate at Thompson Hine in Cleveland, Ohio. Her main practice areas are toxic torts and product liability litigation. She has been a member of DRI for the past five years, and most recently served as the Young Lawyers Committee's Women in the Law Co-Chair. She can be reached at Carolyn.Cole@ThompsonHine.com or (216) 566-5707.

Q. Why did you first become involved with DRI any why have you stayed?

Carolyn joined DRI because partners at her firm were actively involved and DRI provided a great networking platform to Carolyn as a young lawyer. The true sense of community within the legal profession DRI has given to Carolyn is why she stays.

Q. What is your favorite part about DRI membership?

Carolyn's favorite part of her DRI membership is the friendships she has made. She loves attending conferences throughout the year to reunite with DRI members who were once only professional acquaintances, but are now dear friends. Even more, she enjoys meeting new, incredible people who inspire, motivate, and encourage her at every conference she attends.

Q. Have you received or given a DRI referral in the past?

Yes! At Carolyn's very first DRI Young Lawyers Seminar, she listened to an attorney talking at her dine around about a very interesting case she was working on. A few years

later, Carolyn ended up as a co-defendant in a product liability case with the same attorney. Carolyn reached out to remind her that they met at the DRI dine around and of the story she had told. A few months later, her firm was conflicted out of representing a client in another product liability case, and she referred the case to Carolyn. Overall, Carolyn recalls the new case referral, and the DRI networking that brought the case to her, as a great experience! Carolyn has also referred cases to other DRI members, and uses the DRI website's membership list when looking for local counsel for cases.

Q. How do you pitch DRI to potential new members?

DRI membership, especially early in your career, is a great way to start developing your network and demonstrate your potential for business development to your firm.

Carolyn adds that everyone should get involved because that's the best way to get the most out of DRI! It's an easy way to meet people, get case referrals for business development, and it's truly a lot of fun!



Jami Lacour Ishee is an associate on Davidson, Meaux, Sonnier, McElligott, Fontenot, Gideon & Edwards, LLP's litigation defense team in Lafayette, Louisiana. Her practice focuses on insurance defense, premises liability, products liability, FELA litigation and railroad defense. She is the Co-Chair of Membership for the Young Lawyers Committee and can be reached at jishee@davidsonmeaux.com.

Timeout for Wellness

Office Ergonomics: Using a Standing Desk Correctly

By John Garza and Stephanie Holcombe



The average American adult works 47 hours a week. Chris Isidore & Tamy Luhby, *Turns Out Americans Work Really Hard . . . But Some Want to Work Harder*,

CNNMoney, <https://money.cnn.com/2015/07/09/news/economy/americans-work-bush/> (last visited October 31, 2019). As lawyers, our work weeks regularly exceed that number. In fact, it might only represent a week's billable hours, never mind our total number of hours in the office.

On top of that, nearly all our work time is spent sitting at a desk.

You've probably read and heard of the health risks associated with a sedentary job. There's an increased risk of a wide range of health conditions, including obesity, cardiovascular disease, and even type 2 diabetes. N. Owen *et al.*, *Too Much Sitting: A Novel and Important Predictor of Chronic Disease Risk?*, 43 Brit. J. Sports Med. 81, 81 (2008). So, it's been encouraging to see many law firms take decisive action to deal with the problem, quickly supplying their lawyers and staff with standing desks.

Many think the standing desk in and of itself is a cure-all for the abovementioned risks. They think that if you just stand while working, over time, your chance of suffering from chronic health conditions slowly falls to zero. One day, you'll look up from your desk and just be healthy. Unfortunately, it's not quite that simple.

The solution to long periods of sitting isn't just equally long or longer periods of standing. The solution is proper use of a standing desk. The day I got my standing desk, I started standing for 8 hours a day and planned to do so for the rest of my career. Imagine my surprise when only a week in I felt shooting pain in my wrists. Soon after, I found my shoulders were hunched and my neck tight. Last, my feet and lower legs got so sore that I had trouble walking. It was so bad, I almost snuck tennis shoes into the office to wear under my desk. Ultimately, these pains arose from a total misuse of my standing desk.

We don't want that to happen to you. The practice of law is stressful and hard enough without being in physical pain. So, we've compiled this brief summary of Dr. RJ Burr's detailed article called *Guide to Proper Sitting & Standing Desk Ergonomics*. See StartStanding, <https://www.startstanding.org/proper-workplace-ergonomics/> (last visited October 31, 2019). It's the resource I referenced to reconfigure my standing desk and how I used it, and gradually rid my body of all those aches and pains.

Posture

No amount of adjustment to your standing desk will matter if you're not standing at it properly. The ideal posture places the head back, sitting directly over the spine. Your shoulders should also be back and not rounded or hunched forward. If you want a simple way to check whether you've got the correct posture, look in the mirror or ask a friend to check the alignment of your ears and shoulders. The proper posture will put your ears perfectly in line with your shoulders.

Don't panic if this is challenging. Some of us have objectively bad posture. Correcting it is a process. If you have difficulty holding good posture, start with a commitment to holding good posture for the first and last minute of every hour. Then, progressively increase the amount of time. Soon, you'll be standing with the right posture for hours at a time.

Standing Desk Mat and Comfortable Shoes

After addressing how you stand, evaluate the surface you're standing on. Is it bare carpet? Worse yet, is it hard wood? If you've got a high-quality standing desk mat, you're equipped for both. A mat creates a cushioned surface that reduces the stress on your feet from supporting all of your weight. Mats vary in size, thickness, and price. Some can be had for as little as \$20, while higher-end options can cost as much as \$99 or more. I personally use the VARIDESK Mat 36, which is a nice balance of size and price.

Your shoes play a similar role to a standing desk mat. We could write an entire piece comparing various shoe styles and their merits. For now, we'll simplify things and say nearly all lawyers face the same problem—traditional office footwear, like oxfords, loafers, flats, or high heels, lacks the cushioning and support needed for standing desk users. Some can address this with more modern forms of these shoe types. In the case of oxfords, modern versions often employ layers of cushioning within more supportive rubber soles. For traditionalists who prefer a leather sole, try a pair of shoe inserts or orthotics. Some may have less control over this, like high heel wearers. If your office allows it, consider taking your shoes off and standing without them.

Desk Height

Now, you're ready to adjust your desk. The first thing we recommend doing is finding your proper desk height. Start with your hands hanging loose by your side. Then, bend each arm at the elbow, raising your forearm until it's at a 90-degree angle. We recommend letting your arms back down and repeating a few times. You'll be surprised by how differently your arm comes up each time. After a few repetitions, you'll have a good idea of your average "elbow height." Set your desk's tabletop roughly at or slightly below your elbow height.

When set correctly, your wrists should be in the optimal position, 180 degrees to the forearm. You should be able to draw a straight line running from your elbow, through your forearm and wrist, and ending at the base of your palm. If

your desk's height doesn't produce this alignment, adjust it up or down until you achieve the optimal positioning.

Keyboard and Mouse Placement

Place your keyboard in such a position that, when standing, your hands sit on the keys. Similarly, position your mouse as close to the keyboard as possible. Strive to minimize any stretching or strange angling of the wrist to use the mouse.

Monitor Distance, Angle, and Height

Before setting your monitor height, make sure it sits the correct distance from your face. Remember this one simple rule: monitor size equals monitor distance. If you have a 24-inch monitor, sit 24 inches away from it. Also, the monitor should be angled backward 20 degrees.

Once that's done, raise or lower your monitor to the correct height. The optimal monitor height places the top one-third of the screen at eye level. At this height, you should be able to view everything onscreen from your natural head position. You'll only need to move your eyes. By reducing head movement, you greatly reduce your risk of neck strain and tightness across the shoulders and back.

Time

Be mindful of the overall time you spend standing. It's likely you won't be ready to stand for eight hours on day one. Standing for too long too early might cause you some of the same aches and pains that I suffered. Like improving your posture, increasing your standing time is a gradual

process. Consider standing for a small period of every hour or standing for a set period each day. Gradually increase those periods until you're able to stand for your desired amount of time each day.

We hope this brief guide helps you get started using your standing desk or improve how you currently use it. For more detailed information, visit StartStanding.org.

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News & Announcements

Young Lawyer Awards

At the 2019 DRI Annual Meeting that took place in New Orleans on October 16-19, the DRI Young Lawyers Committee ("YLC") Executive Board was pleased to announce the Steering Committee members who were being honored for their service and hard work throughout the year. With a Steering Committee as dedicated and talented as that of the YLC, it is no small task to stand out and go above and beyond, but these folks have made a lasting impression on the YLC, and we are grateful for their efforts. Please join us in congratulating them all!

Outstanding Committee Chairs

Gayatri Deodhar & Colleen Hayes, Chairs of Social Media. Gayatri and Colleen served as Chairs of the Young Lawyers Social Media subcommittee. They helped create and implement a robust and impressive social media campaign, and laid the foundation for our social media presence years to come. Their dedication to the committee and leadership have been a true asset to DRI Young Lawyers.

Outstanding Committee

Raising The Bar (RTB), Anna Tombs, Taryn Harper, Natalie Baker, and Darin Williams. Over the last year, this committee has significantly expanded the depth of articles, the areas of coverage and the variety of content for our monthly newsletter. Whether digging up content or chasing down copy editors, their work is really never done. We are in their debt for their tireless work making sure RTB is one of the best DRI content newsletters!

Unsung Hero

Emily Ruzic, Development Education. The Unsung Hero award is given to Emily Ruzic for her willingness to not only tackle an incredibly important role on the Steering Committee with skill and commitment, but also being willing to devote her time and energy to other tasks, to assisting the Executive Board when asked, and to selflessly volunteer to take on work outside her own committee role. Emily not only never says no, but is quick to volunteer whenever there is work to be done.

Rising Star

Kevin McCarthy, Sponsorship. The Rising Star award is given to Kevin McCarthy, as a newer addition to the Steering Committee, for his willingness to jump in feet first and make his mark right away. Kevin's already begun taking on extra tasks and work in YLC and with his SLC, and he shows no signs of stopping. We are glad to have him aboard, and expect great things from him in the future.

Have Other Good News to Share?

Have you or one of your fellow young lawyers recently received an honor, a promotion, or a defense win? Do you have any announcements for DRI Young Lawyers? Please contact the Editors, **Darin M. Williams** (dwilliams@laner-muchin.com), **Natalie Baker** (nbaker@mrchouston.com), **Ashlyn Capote** (acapote@goldbergsegalla.com), **Carmen Weite** (cweite@friedman-lawyers.com)!