



Alison Monahan: Welcome to the Law School Toolbox podcast. Today we're excited to have guest Sadie Jones, ex big law recruiter here to talk with us about how to handle a variety of difficult situations that could arise at work. Your Law School Toolbox host is Alison Monahan and normally I'm here with Lee Burgess. We're here to demystify the law school and early legal career experience so you'll be the best law student and lawyer you can be. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#) and the career related website [CareerDicta](#). I also run the [Girl's Guide to Law School](#). If you enjoy this show, please leave a review or rating under your favorite listening app and if you have any questions don't hesitate to reach out to us. You can reach us via the [contact form](#) on [lawschooltoolbox.com](#) and we would love to hear from you. With that, let's get started.

Welcome back. Today we're excited to have guest Sadie Jones an [ex big law recruiter](#) here to talk with us about how to handle a variety of difficult situations that could arise at work. So welcome Sadie.

Sadie Jones: Thanks for having me back.

Alison Monahan: Our pleasure. So let's dive right in. First, let's talk about some issues you might commonly see with people who are just starting out in their careers whether it's summer associates or in some other type of summer job maybe which could lead to a more permanent position. In a lot of cases people got these jobs early so let's say you got this job during your second year and it was based mostly on your first year grades. But before you start working that summer your grades go down a lot. Do you tell them? And then also what about 3L grades? Assuming you have an offer to return.

Sadie Jones: Well I would say it depends how much they went down.

Alison Monahan: A lot.

Sadie Jones: Yeah.

Alison Monahan: You're not failing out but a lot.

Sadie Jones: I think if there's a significant drop and it's not in one class but it's an overall trend and let's say that you had been getting A's and you're even getting B's or B minuses I think it's always better to bring it up yourself with them and address it. I'm guessing there's probably a reason. If it's an overall trend maybe you had an illness, maybe there was a family situation. So I think it's better.

Alison Monahan: Maybe you just stopped studying after you got the job.



Sadie Jones: That's possible too. And I think even in that case I think there's probably a story and I think you can talk to them about your plans for improvement. Maybe you're going to hire somebody to help you. Maybe you have a plan to get yourself back on track. If it was a personal issue or an illness that may be solved. But I think if they went down enough that you feel like somebody's going to notice, it's better to bring it up with them yourself.

Alison Monahan: Is this something that jobs are typically going to ask for? Are they going to ask you to submit an updated transcript before you start as a summer or after? When do they ask for this sort of stuff?

Sadie Jones: When I was a recruiter I would probably remind people of it before they even finished the year. Before they started with us that we'll need that and then I would remind them again when they started. A lot of people don't have final transcripts yet. So I would say we don't need it until you have a final one. Something you should not do is try to hide it. Which I have seen people do. You think like, oh they won't notice. I can tell you as a recruiter I would never not have a final transcript. So I would follow up with you as many times as it takes and people make up excuses and sometimes it's towards the end of summer and they say they don't have it. You probably do have it and we probably have a way to get it. Don't bury this stuff, it's never going to turn out well.

Alison Monahan: And is this something that people would factor in at the firms in terms of making final offers were your 2L grades?

Sadie Jones: I think they're a factor. I don't think they're an enormous factor if your grades were good before and if there were a reason for it. If there is some kind of really downward trend or you failed something or didn't complete something. And as a 3L I think that if there's a huge drop it could be something that they would go back and look at. I personally haven't seen an offer taken away for that reason but I still don't think even if you're worried that that's a possibility that it would be any reason to try to somehow hide your grades from them.

Alison Monahan: So you're in favor of basically going to someone. Who would this person be? Put that aside for a second and saying, "Hey you're going to get a transcript that shows that I did really poorly in these couple of classes. This is why that happened. Here's what I'm doing about it and let me know if you have any questions?"

Sadie Jones: Yeah, exactly. I think that's always going to make you look better. I don't think there's that many law students that really do take that initiative and usually it's a conversation where we've seen the grades and then we're going to address it with them if it's something that's that significant, what happened here? I would say talk to who you're comfortable with. As the recruiter I definitely talk to a lot



of law students as their first point of contact and either they were telling me as the firm person or they were asking me who should talk to. And I would say, it can depend again on who you're comfortable with but the hiring partner may be your mentor, may be your point of contact when you were interviewing. If you've already spent the summer there could be the head of the summer associate committee. I think talk to someone you feel like you can have a frank conversation with but also as someone at the firm who probably is in a position of power I think is a good idea.

Alison Monahan: Right. I think too if you can think of who among those people who might for whatever reason be your biggest ally.

Sadie Jones: Yep, absolutely.

Alison Monahan: If it's a partner that you worked with that really liked you, maybe you let them run interference with someone. You don't have to go straight to the hiring committee yourself.

Sadie Jones: Absolutely. And I think most of the time this stuff is probably not going to be as big of a deal on their end as you've built it up to in your head.

Alison Monahan: I'm okay, you got a C. You're probably not getting your offer pulled because you got one C.

Sadie Jones: Right. But if you somehow won't give them your transcript and won't let them see that C, that's going to look suspicious.

Alison Monahan: And I've even heard about people trying to actually alter their transcripts which let us just say is crazy and not something you should do.

Sadie Jones: It just always comes out in the end. There's always going to be something. You think they're not going to notice, but yeah, it's totally crazy. It's an ethical violation.

Alison Monahan: That's something that would get you fired.

Sadie Jones: Could get you kicked out of school. For sure.

Alison Monahan: If you got a poor grade, that grade is probably not going to get your offer revoked but if they find out that you tried to alter your transcript and lie about it, I think almost anyone would fire you at that point even if you're already working there.



Sadie Jones: Yes. Absolutely. And I think the key with it really is to say, "How are you going to address this issue." It's less about the fact that you got that C, it's saying, "This is why I think it happened. This is why I'm going to work on this." 3L year is not a time to just completely forget about all your responsibilities even if you have a job offer.

Alison Monahan: Right. You want to make sure at minimum your fulfilling the graduation requirements, you're doing a paper if that's required. What you don't want to do is have to get back to employer and say, "Well actually it turns out I'm not really going to graduate in May, I'm going to have to wait til December because I didn't bother taking this class that was required." That isn't really good.

Sadie Jones: Yeah, that would be pretty awful.

Alison Monahan: Yeah, it doesn't look good. All right so similarly say that you have recently started your post graduation job, you've successfully graduated, you've not altered your transcript. And you take the bar exam and everything seems to be going well, you've started working and then you find out you failed the bar. What do you do?

Sadie Jones: Similar advice to what I said before. I think you should proactively tell somebody. Somebody is probably checking and I know that it used to be more public at least in California with a list, that's not necessarily available now. But somebody is going to follow up and make sure that people got their results and what they were. I think you have to keep in mind you are not the first person that this happened to. I know in all my years of doing this I don't think that I went through one round where we didn't have at least one person fail.

Alison Monahan: Oh really? Wow.

Sadie Jones: Yeah. Which is not everyone but that just I think it happened to me.

Alison Monahan: It happens.

Sadie Jones: Sometimes it was people who were just starting. Sometimes it was someone who had transferred offices or was a lateral and had to take a different bar so lots of people are taking the bar. But I think you have to keep in mind that it happens to people. They are not fired from their job, at least we never let anybody go for that reason. They always got at least one more try.

Alison Monahan: They weren't fired on the first try.

Sadie Jones: No. I don't think so. I can't imagine anyone being fired on the first try. And like I said, even the second try we would let people have another chance.



Alison Monahan: I think that's getting a little, my impression at least is a lot of jobs, I think most employers not all, but most employers probably will not let someone go if they fail the bar once. If you fail the bar twice I think the majority of them would say, "You know what? You've been here a full year, you can't really work as a lawyer, this is not going to work."

Sadie Jones: I agree. I think that some of the people kind of lucked out. And it didn't happen very much. So I think it depended on what their role was and their relationship with people.

Alison Monahan: And if you're admitted somewhere else and you're taking it as lateral it matters a lot less.

Sadie Jones: Exactly. And if you've already been at the firm a few years. And most of the issues actually are with people who have taken it after being out of school for a while. But definitely on the first try they're going to work with you. They're going to try to make it work. They're going to make sure that you figure out a way to have some time off and what your plan is. I think people are sympathetic and so the issue's come around when it's been a week or it's been two weeks and we haven't heard from you and we don't know if you passed. We're confused. I think that is not a good situation for anybody.

Alison Monahan: No, I think we have a post on one of the sites about [how to tell your boss that you failed](#) which we can link to from someone who actually did have this experience and had to go and tell his boss that he'd failed. I think in most states you get a little bit of advance warning before the public knows what's going on. So you're typically going to have a couple of days where A, you can accept this reality and then figure out what to do before your boss necessarily finds out publicly. But I agree with you, I think if this is a situation you're in, you've got to get out ahead of it.

This is crisis management 101, you've got to get out ahead of the story. You've got to send an email or whatever it is or call to whoever needs to hear this information from you first before they find out some other way because that, it just makes you look, you just failed the bar. You're already not in anyone's high graces at this point but to put your head in the sand and pretend it's not happening is not going to improve the situation.

Sadie Jones: Yeah, I think sort of similarly to the grades, maybe you haven't figured everything out in two days but I think it would be great to go to them and say, "I'm going to have a plan for how I'm going to pass this next time."

Alison Monahan: I've reached out to some tutors or I've done this or that. I've reached out to my school. I'm looking at these resources within the next week I should be able to



say exactly what I'm going to do. I would probably propose having a certain amount of time off of work or taking a part time schedule. Like I'm serious about doing this 'cause reality is you need to pass the next time.

Sadie Jones: And along those lines too we would always either encourage slash insist that they take time off. It's usually going to be unpaid time if it's a second go around. But it would really be an issue if someone didn't, said they didn't want to do that. And I did have people where I really had to say to them, "Look, this isn't really optional. Because your priority is passing the bar this next time. So you need to just be focused on that. That's what the firm wants from you, they don't want you, whatever work you're going to do in that time isn't really going to be the point." You do what they want. If they have a system for it, you go along with it.

Alison Monahan: Right. And I think if their system doesn't work for you, if they're like, "Okay you can a week off before the bar but otherwise you're working 80 hour weeks," I think you need to push back and be like, "You know what? I don't think that's going to position me to do what I need to do."

Sadie Jones: Absolutely. And you should tell them you want the priority to be passing the bar.

Alison Monahan: Right, which I think everyone should at least in theory agree with. But I took the second bar exam when I was working and it was like, "Oh okay you're going to get three weeks off," and then it got a little bit compressed and suddenly you're like, "Okay no. I am taking this time off or I'm not going to pass this test."

Sadie Jones: Yeah, and I think really taking the time off is probably key rather than even going down to part time if you can is just really focusing.

Alison Monahan: Yeah, I think it's very hard particularly if you've already failed.

Sadie Jones: So there's a lot of pressure.

Alison Monahan: Yeah, there's a ton of pressure. You need that time. I'm not saying you have to take eight weeks off or anything like that. I mean you've already studied once. And I do think you probably need to look into getting someone to help you. I'm not just saying that because we [offer tutoring](#) but look, you failed once, if you do the same thing again, you're going to fail again. Just don't do that. Don't put yourself in that position. You need to pass at this point.

Sadie Jones: But I think you should go into it assuming, yeah, it's going to be typical conversation but it's a more difficult conversation if they have to come to you and say, "Hi, did you pass the bar exam?"



Alison Monahan: Oh yeah, you didn't. Okay, so why didn't you tell anyone?

Sadie Jones: Yeah. I had someone once those two weeks where we were still trying to figure it out and he wasn't in the office. It did not go well.

Alison Monahan: So you gotta get out ahead of this stuff. It's not, it's unpleasant but it's going to be a lot more unpleasant if you try to pretend it's not happening.

Sadie Jones: Definitely.

Alison Monahan: All right, well let's circle back to a slightly more positive topic. I know this is something that people have a lot angst around and I think a lot of it is unnecessary. So what about judicial clerkships? Do employers really care if you take a year for a clerkship after graduation? Later on? Do they have preferences about when you do it? Will they hold your job open? How does this work?

Sadie Jones: This is interesting because I do always find that law students seem really nervous about telling employers that they have a clerkship and I always found that the firm is going to think it's a good thing.

Alison Monahan: Yeah, exactly.

Sadie Jones: Having a clerkship is an advantage to everyone. It's going to give you good experience. The firm wants clerks, they go out and recruit clerks.

Alison Monahan: You get a bonus.

Sadie Jones: It's a positive. I think law students sometimes get nervous especially if they've already accepted the offer and maybe it didn't come up that they were applying or I do think you should be open with them that you're applying from before so they kind of have that on their radar. The biggest thing with clerkships is that I don't know if it really matters that much to the firm whether you do it right after school or you work for a little and do it hopefully come back but what matters to a firm is planning for the future. As much as they can, they really like to know what's the pipeline and even down to a single person makes a difference so they know who to hire. I think it's just about being open with them about when you're going to do it and when you find out. But I think it's definitely a positive.

Alison Monahan: I think that's right. I think there's a lot of angst around how people are going to react but the reaction is usually going to be great, congratulations. Let's figure out how to make that work.



- Sadie Jones: Absolutely. They respect there's rules on keeping offers open for people who are even applying to clerkships. And I think firms are pretty generous if you need extra time. A lot of judges may not let you accept the offer, but you have to talk to them about it. So it's always good to kind of know what the ethical rules are and make sure if you have accepted the offer that there's something in place in case that firm ever comes up in front of your judge. You just really want to be on top of all that.
- Alison Monahan: Yeah, exactly. I think that's something people don't necessarily understand coming out of law school is that there are really all these conflict rules and things that you learn in professional responsibility, suddenly they actually matter. And there are lots of things you may not be able to work on or take part in and you just need to be sure that you understand what those are. If you leave and go back to a firm, obviously they'll ask you, "What did you work on?" And run conflicts checks. But people need to be aware of what it was. You need to be careful about what you're putting down there so that you don't accidentally end up in some sort of professional violation.
- Sadie Jones: And there's also sometimes rules or I think a lot of times about accepting things from firms while you're working for the judge. I know at a firm I worked at if I were even taking someone to coffee, I couldn't pay for them.
- Alison Monahan: Oh interesting.
- Sadie Jones: Some firms are stricter about that than others. But I would say, be on top of that. You don't want to do anything that it may seem small it can be a big deal for them.
- Alison Monahan: Yeah, particularly if you're clerking for a judge in an area that your firm is big in. So you're clerking in Boston and you have an offer with Ropes and Gray. Ropes and Gray is probably going to show up in front of your judge. How is this going to be handled?
- Sadie Jones: You just want to be transparent about everything like we said. I think it's also good if when you go and tell them you tell them who's the judge, where are they, what you think the timeframe is. Give them as much information as you know so they're not having to come back to you and ask you lots of stuff.
- Alison Monahan: Yeah, exactly. And then sometimes if you're thinking about maybe doing another one after that, again, probably information you want to share.
- Sadie Jones: Yeah. And I think they'll probably keep in touch with you while you're doing it and you should keep in touch with them. It's always good even if you're not sure





if you're going to accept the offer to come back you always want to leave things on a positive light. You don't just want to disappear.

Alison Monahan: Right, exactly. Keep your options open until you've decided what your next move.

Sadie Jones: Yeah, because who knows? Life changes and sometimes you don't think you were going to and you want to.

Alison Monahan: Yeah, there's no reason to burn a bridge that you don't need to burn.

Sadie Jones: Yeah.

Alison Monahan: All right. Let's talk now about some situations that might arise in the actual workplace and how you would suggest handling them. First off, what do people need to disclose or should they think about disclosing, we've been talking a lot about just be honest and open, regarding some of sort of criminal issue whether that's in the past or unfortunately in the present. You get in a bar fight or whatever and maybe have an assault charge. And or these sort of issues around mental health, anxiety, substance abuse, that kind of thing either past or present.

Sadie Jones: You know I think there's not an exact right and wrong for some of these issues. Usually you're going to fill out an employment application or form at some point.

Alison Monahan: At intake.

Sadie Jones: Where you probably need to disclose if you were convicted. It might just say felony, it might say any criminal action. I think that if you have any kind of criminal history that might show up in a background check and there's somewhere where you were supposed to disclose it, you should.

Alison Monahan: I think there you've got it. My advice there is read what it asks you. If it asks you about felony convictions and you were convicted of a misdemeanor, probably don't disclose it. If it asks you about convictions you better put it down.

Sadie Jones: The other thing is there are places where they're running background checks but they don't ask you for an employment application. I worked somewhere like that. It may not be something where you're actively writing it down ahead of time but I think you're going to need to be prepared that they're going to ask you about it. So there might not be an opportunity to say it before they see it and I know that happened a few times and we went back and talked to the person and usually there really wasn't an issue after that. They explained what it



was. I think you just need to be prepared to address it with them and know what you're going to say.

Alison Monahan: And the other thing too is most of the stuff probably has already been disclosed on your law school application and/or on your bar application. I think the total disaster scenario is you've tried to hide something that comes out. Say when you're applying for the bar and then you can't pass the character and fitness because you should have already disclosed this on your applications. That's when things again, get really messy.

Sadie Jones: Yeah. And I think hopefully you've talked to somebody about this along the way. Like you're saying, it's already come out.

Alison Monahan: And there also are attorneys with the bar, there are attorneys who if you are having trouble with character and fitness or think that you're going to, there are actual attorneys who this is what they do that you probably should have a consultation with and say, "Look, here's the situation, I had a DUI when I was 20, how do I handle this."

Sadie Jones: Yeah, because the worst case scenario like you said it's the end of the road and you can't get admitted.

Alison Monahan: And they're serious. That's not, you do not mess around with the state bar on the character and fitness because you will not be an attorney.

Sadie Jones: And I know a lot of this stuff is made much worse by lying than what the actual situation is.

Alison Monahan: If they think that you've tried to cover it up and that that's when things get very, very ugly pretty quickly.

Sadie Jones: Yeah, so it's kind of what we've said all along.

Alison Monahan: The key message is, if you need to disclose something, you should disclose it.

Sadie Jones: Absolutely. Now I think with mental health issues I think it sort of depends on the situation. I think if it's something that's ongoing that may affect your work, or it's something that you're dealing with right now that you think has an impact on your life, they're not allowed to discriminate against you for it and maybe you don't want to make it public, maybe you want to talk to somebody about it. I've had those scenarios before and we would definitely try to make accommodations for people. But I think it can be an issue if it's something that you're dealing with that you're not talking to anybody about but it's something that is affecting your work or is affecting the firm in some way.



Alison Monahan: Because at that point you're not really protected by the ADA. If you decided not to disclose that you're having panic attacks or whatever and you get fired because you have one in court, you're going to have a lot, it seems to me you'd have lot weaker case to say, "Well this have been in protected category," if nobody knew it was happening.

Sadie Jones: Right. I think you don't have to tell everybody and I think it's sort of what we said before about picking who you're going to talk to about it.

Alison Monahan: Yeah, I think this is a tricky question. And I think most lawyers at firms at least tend to err on the side of not disclosing anything to anyone but then that runs its own problems because you don't have protections you would otherwise have and also nobody can work around whatever your issue is if they don't know about it. So whatever it is that's causing you excess stress isn't going to be addressed because everyone's just like, well whatever, this is just life.

Sadie Jones: And they may think you're just screwing up.

Alison Monahan: Right exactly. I think it's a really hard question. I think people tend to under disclose this when really they're probably better off in a lot of cases if they were more upfront about it but obviously it's a difficult thing for a lot of people to talk about.

Sadie Jones: Yeah. So I think you need to ask yourself, if you do have some of these issues, do you have a handle on it? How is this possibly going to affect things?

Alison Monahan: Well and also if something's totally out of control, I think at some point you have to ask yourself, is this job really worth it? If I feel like I can't tell anyone that I am abusing drugs really severely and I'm doing it to deal with my job situation and I know that probably I would be fired if I told them but I can't tell anyone so I keep doing more. It's just like this is probably not a situation that you really should remain in.

Sadie Jones: And especially going into it if that's how you're starting. I think things just get more stressful from there.

Alison Monahan: Yeah, I think that sometimes you just have to take a step back and say, "Okay, for my own existence I need to stop doing this job or at least take a leave of absence or do something. My health is more important than whatever this job is. I'll find another job."

Sadie Jones: Yep absolutely. And I would say every situation is different but I know that a lot of the summers felt more comfortable talking to me as the recruiter about some of their personal stuff and I would try to steer them in the right direction in



terms of talking to other people or whatnot. So pick someone you feel like you can confide in.

Alison Monahan: Right. What if people have these personal issues, health issues or even say somebody in their family is sick or passes away or they have some sort of emergency situation, whether it's over the summer or in their full-time job and they need to miss work, how do you handle this?

Sadie Jones: It can be tricky if you're a summer associate because the summer is fairly short. So I know there's usually in most summer jobs either a day or two that they give you sort of as you can take off. It's just fitting in that, you just tell them you want to take off. If you think it's going to be more than that, I think it sort of depends how long. If you have a family member that's dying of cancer and you know that you need to be with them and it's going to be the rest of the summer, I think you have to really consider maybe taking yourself out of things and trying to do it again next summer which is a situation I've had happen before and we had the person come back. I think if it's something more short term where you're extremely sick this week, I think most likely they would accommodate you. You may be taking some of the days unpaid which I don't think should be a big deal either. So I think you have to sort of weigh how much time it is and what the scenario is.

Alison Monahan: Right. And just what works for you. I had the unfortunate situation where the very first week of my clerkship my father suddenly passed away. At that point I didn't even have say the judge's contact information or anything and I wasn't even in town. It was just one of those complete clusters of a situation of where like, oh gosh. What is going on here? And so basically obviously he worked around it and was like, "All right, what do you need? Where do you need to be? How long do you need to be there? How much time do you want off? And come back when you want to." And I came back pretty quickly because I was like, what am I going to do? Sit around in my apartment in a city where I don't know anybody.

Anyway we had a conversation where he was like, "Look if you find in the future you need more time or whatever, you just tell me but unless you bring it up I'm not going to bring it up with you. I'm just going to assume that you'll come to me if you need something. And I'm totally fine in accommodating that but I'm not going to keep bringing it up." Which I actually appreciated.

Sadie Jones: Yeah, I think that sounds like a great response. And I think you have to remember they're a person. They probably have feelings and so even though they might be your boss and you're intimidated by them, when you have something like that happen, they're going to care.



- Alison Monahan: Maybe, I don't know. I had another partner try to tell me I couldn't go visit my dying grandmother so you get both sides of it.
- Sadie Jones: Well that's unfortunate.
- Alison Monahan: It was. I was literally like you can fire me but I'm getting on the flight.
- Sadie Jones: You have to look out for yourself. Like you said, what do you need? It is a job.
- Alison Monahan: Yeah, exactly. Well actually that leads right into my next question. What if you're having difficulty with a tough boss on an assignment or with other people in the workplace whether it's a secretary, legal assistant, that type of thing.
- Sadie Jones: These things can be tricky. I think you have to kind of ask yourself how bad is it? Is it just that it's a tough assignment? The person's kind of harsh. Maybe even they're hurting your feelings. I do think there's a point where you're going to be a lawyer, you're probably going to need tough skin on some things. But I think if there's something that is really bothering you and you feel like it's not fair and you feel like you're not learning anything and I think there's bigger issues, I always suggest that you maybe start with your associate mentor. I would think that's a good place to start because usually those people are picked because they're good in these kind of situations. I know that I would assign the mentors for that reason.
- Alison Monahan: They have some [emotional intelligence](#). They might actually be able to think about like, oh well, what are your options here? What might work? Might not work? Oh yeah, this guy's a real jerk. Just suck it up. He's like that to everyone.
- Sadie Jones: Exactly. And I think be honest with them. They probably know the person. They probably know what the scenario is with them and you can talk to them about what happened that led to that. Maybe they have a certain style they might be able to give you advice about how to deal with them. But I would say, you talk to them, I think there are situations where something is sort of past just being a harsh person, it's too much. And then maybe they get the head of the summer committee involved, I've had those scenarios also and it's just that person shouldn't be working with a summer associate or a new associate, not the right fit. I think there are people there who can get involved and help you but I also don't think that you should just go running to everybody every time something's difficult.
- Alison Monahan: Yeah, I think you've gotta really assess the situation. If we're talking about some sort of harassment, particularly in some sort of protected category, I think that's a totally different scenario than just someone being really harsh about your work product or something like that. Sometimes let's face it, lawyers are not the



greatest people to work for and you're just going to meet jerks. My strategy basically was try to get off that project as quickly as possible and get on something that was more accommodating. But these are the people you end up having to deal with. In the dying grandmother scenario on the way to the airport we were actually all at trial so I ran into junior partner on the case who was like, "What the hell's going on here?" And I told him and he was like, "Okay this should not be happening, I'm going to talk to this person."

- Sadie Jones: Exactly that's a situation where you needed that and that was the right thing to do.
- Alison Monahan: At that point I literally didn't care. I was just like, whatever, you can fire me. This is a breaking point.
- Sadie Jones: Absolutely.
- Alison Monahan: But the reality is when I quit a few months later that person was like, "You're breaking my heart. How could you do this?" I'm like, you're nuts.
- Sadie Jones: That is funny how that happens.
- Alison Monahan: Yeah, it is.
- Sadie Jones: Well I think a lot people aren't self aware.
- Alison Monahan: Yeah, I just think sometimes people don't understand they do have the ability to push back a little bit more than they think. So if you're totally overloaded with work and somebody comes to you and demands that you do a new assignment, it's like you can't take that project on, you have to push back.
- Sadie Jones: Well and I think even as a summer associate that's a good skill to learn. I understand you're sort of lowest on the rung at that point but I think that you can talk to people. You can stand up for yourself. That's okay.
- Alison Monahan: You can try. It might not work. I got a cold offer as a result of doing that but it is what it is.
- Sadie Jones: Probably depends on the firm and the specific situation.
- Alison Monahan: Yeah, I think sometimes stuff just happens and there's nothing you can do about it and you're unfortunately the person in the crossfire and it's just like, okay, you need to figure something out 'cause this is probably not a great workplace.



- Sadie Jones: Definitely. And we did learn sometimes like I said before that certain partners maybe weren't a good fit for summer associates.
- Alison Monahan: Or anyone really.
- Sadie Jones: Yeah, for assigning anything to anyone. They should work by themselves. We try to keep that in mind. And there are certain times where even you might be talking to another associate about an assignment you're getting, they might tell you that person's tough. So yeah, it depends.
- Alison Monahan: Yeah, I think you know if you're in like a real harassment type situation I think that can be obviously very, very difficult to figure out what to do. A lot of this is never reported that probably should be. There you've just got to start documenting everything and so if you do decide to go to the HR department or whoever it is you have your dossier, this is what's been happening. This is not appropriate, do something. Probably I don't even know at this point if they would or not but at least you gave it your shot.
- Sadie Jones: Absolutely. In my experience with HR is like you said, a lot of people won't bring it up but when something did come up they really did address it and investigate it and look at it and I was actually impressed with how they handled it it's just that I think most people aren't comfortable even getting to that step.
- Alison Monahan: Yeah, and I think before you do that you probably want to talk to an employment lawyer.
- Sadie Jones: Yes.
- Alison Monahan: Who's not in your firm. Figure out what your rights are here. Figure out what the law is before you go and say, "Like hey, this is what's been happening." I think ideally more people would report it but you can understand why people don't.
- Sadie Jones: Definitely.
- Alison Monahan: All right so let's totally switch gears and talk about technology 'cause this an area that's really easy for people to screw up on all different kinds of levels. What do you do if you screw up and you don't correctly label a document or something like that so that other people can find it?
- Sadie Jones: I guess it depends how you found out you screwed it up.
- Alison Monahan: Usually it's from a frantic phone call from someone's secretary being like, "We can't find this document that we need right now. It's your fault."



Sadie Jones: Exactly. First of all, don't panic. 'Cause I think that's only going to make things worse and I know that feeling where you know you did something wrong, you're not really sure what to do about it. And then I think get into the mode it's less about trying to make an excuse for what you did or why you did or whatever, try to figure out where it is, how you can get it to them.

Alison Monahan: Just fix it basically.

Sadie Jones: Just fix it. That's all they care about. They're probably not even going to, it's not going to be as big of a deal in the end. They're probably just frantic 'cause they need it.

Alison Monahan: Right, exactly. The focus should be on okay, here's how we're going to fix this problem and then later on you can talk about how it happened or if you need more training or whatever it is. I once, it was funny, 'cause I did correctly label all my documents and the senior associate who was a total jerk and the partner who was kind of an idiot both did not know how to use the system and they were trying to get in touch with me at Burning Man which as you know, at that point had literally no service and I had made very clear to them that I would not have service. So I get back to all these frantic messages like, "We can't find your documents." And after like three days, they just finally figured out how to use the system. I'm like, it's on the bottom of the document. Just look it up.

Sadie Jones: Oh my gosh.

Alison Monahan: So it might not even be your fault.

Sadie Jones: And that wasn't even ... Yeah, and that's the other thing. I think don't focus on whose fault it is, definitely not in the moment 'cause it doesn't matter in that moment.

Alison Monahan: Just like get it done. Sometimes you might get blamed for things that you didn't even do.

Sadie Jones: Yeah, that actually happens a lot for sure. And I think yeah, like you said, figure out afterwards okay, how do I make sure this doesn't happen again? How do I make sure I know how to label things and I have the right security on it or whatever?

Alison Monahan: Yeah, those are the infamous one that always happens – it happened just a few days ago. If you are the one filing the documents, like e-filing in court, double, triple check your attachments because people are always uploading the wrong things whether it's like recipes when it should be a deposition transcript or in the case of a few days ago, somebody uploaded a confidential work product to





something that was supposed to be a scheduling order. These are the things where you're just like, okay, you can't do that. You have to double check this.

Sadie Jones: Yeah, and I would say double check everything. Yeah, I always open attachments when I have them. You also if you're forwarding something, make sure you've looked at the bottom of the chain and know everything on it. Little things like that can become a really big deal. Another thing I think gets people in trouble is the auto populating of people's email addresses.

Alison Monahan: You should just really turn that off.

Sadie Jones: It's just can be a disaster.

Alison Monahan: We had a partner accidentally cc the judge on an email saying what an idiot she was.

Sadie Jones: Oh my gosh.

Alison Monahan: Yeah. And I got the phone call from the partner before he had done anything about it being like, "Did this just really happen?" I'm like, "Oh yeah, looks like that really happened. Guess you're going to have to go and grovel."

Sadie Jones: And for whatever people try to do this, there is no way to get something back. All it does is spam up everyone with stuff.

Alison Monahan: It just alerts everyone that you said something that you want back.

Sadie Jones: Don't ever do that.

Alison Monahan: Most programs, a lot of programs have a delay so that you can hit send and then you set a five second delay 'cause oftentimes you see it as it's going out and you're like, oh my gosh that should not be going to this person. That's a different situation, there you can hit stop and it won't actually send. But you should be familiar with the tools that are available to you to figure out how to stop yourself from being an idiot basically.

Sadie Jones: Yeah, I know at the firm a lot of times stuff would go around to the whole office that wasn't supposed to and then they would hit the button that tries to recall it and that is first of all, you're going to open it 'cause you want to see what it was. And second of all it just something to mess up everyone's computer.

Alison Monahan: Yeah, so just understand the technology you're working with. Another one that's really common is know how to redact things electronically. If you're using PDF, just putting black over it doesn't actually redact it. If you're using Word



documents you make sure you understand metadata and that you've stripped out the metadata so it doesn't have the timestamps of you going back and forth on your expert report that you're not supposed to be making edits to officially. Stuff like that. You just need to understand what you're getting into so that you're not the one who does the stupid thing that basically tanks your entire case.

Sadie Jones: Yes, absolutely.

Alison Monahan: All right, on the flip side of that, what if you sort of accidentally or semi-accidentally see something that you should not have seen on the company server?

Sadie Jones: This is something that I know recently happened to someone I knew and they didn't really understand that if you open something, someone actually can know that you opened it.

Alison Monahan: Everything is being tracked.

Sadie Jones: If that happens, I think it depends on the situation. But I think if you really saw something confidential or something there could be a variety of different things that you really shouldn't have seen. I actually think it's better to come forward and say, "This opened by accident." Because people can get fired over seeing something or seeming like they were searching the system for something that they shouldn't have seen and things like that. Especially if one thing opens and then something else opens, it looks like you are looking for it.

Alison Monahan: Yeah, if you're trying to figure out how much everyone else is making or what the bonuses were or say for example you did have a conflict and there were certain things you're not supposed to be going into and you decide to go into them 'cause you're curious. It's like don't do that.

Sadie Jones: Or we had some summers look up other people's reviews.

Alison Monahan: A, that should not be accessible on the server anywhere, that's bad data design but it happens.

Sadie Jones: Another thing in that scenario is do not go back and try to blame them and tell them they should have had security. Of course they should have had security but you should not have not been looking for it. No one wants to hear that in the end. I actually think in this situation a lot of people might not do this but I think get ahead of it and know that if you open something on the server, they may not be looking to see who opened it but if they do they are going to know that you opened it because you have a login.



- Alison Monahan: Basically you can assume every keystroke you make is pretty much tracked at a firm.
- Sadie Jones: Yep.
- Alison Monahan: And you should assume that.
- Sadie Jones: Like you said with everything, get ahead of it.
- Alison Monahan: And you should assume that your email is not private. You probably don't want to be using firm email or your company email, employer's email for a lot of personal business. I mean anyone who's ever done document discovery and done email discovery never uses email the same way again because you see all this crazy stuff that people put in their work email and you're like, why were they talking about this?
- Sadie Jones: Yeah, and same with I think with work instant messenger.
- Alison Monahan: Yeah, anything that's work basically belongs to your employer. And you should regard it that way. And the other thing, sometimes people want to delete all of their email if they're leaving the firm or whatever. A, don't do that because it just looks really weird and suspicious. And B, they have a copy anyway. Anything you're trying to delete, you're just drawing attention to yourself basically. Why would they do this? Okay, what should we be looking for?
- Sadie Jones: Well and along those lines, they'll usually go through it with you when you're leaving in terms of what you need to do to make sure everything's correct. But there's probably a policy about what you're supposed to do with your emails and a lot of the work emails need to be filed and saved somewhere. They'll usually tell you. But make sure you do that. Don't have a situation where something was supposed to be on the system and you don't work there anymore and they're calling you frantic. That doesn't look good either.
- Alison Monahan: No, any documents, you need to wrap up everything so someone else can step in. Make sure, double check every document that you need to have someplace is there, that all the stuff is filed, easy to access. These are just basic work things that you don't want to leave a bad once you're gone.
- Sadie Jones: Yes, definitely.
- Alison Monahan: All right, well final question 'cause we are totally out of time, what if you have a plan and you thought you were committed to it and then it turns out you need to change that plan? Whether it's changing offices, changing practice groups, how can people handle that?



- Sadie Jones: Well I would say similar to most of the advice we've given, tell them as soon as you know. If there's a change of heart about something I wouldn't drag it out until the last minute and say right before you started, "I don't want to be in litigation, I want to be in corporate."
- Alison Monahan: Like oh, okay.
- Sadie Jones: You're probably going to be in a scenario where they say, "Okay well that's great but you're still going to be in litigation."
- Alison Monahan: Or they say, "Well if you really want to do that we can't accommodate that."
- Sadie Jones: Yeah. I think if you tell them, let's say that you gave your practice group your preferences when you left and then you decide even when you graduate or towards the end of the year, you've taken some different courses that's not the direction you want to go, tell them right away. Talk to them. Maybe try to network with people in that practice group. There's lots of different scenarios where this would happen and things would change. Even maybe they have an office in a different city and you've decided or you have a personal reason you want to be there, tell them. You'd be surprised at how accommodating places can be when you let them know and let them know with enough notice and explain it. I feel like, like we've said, the situations arise when it's something that you've been hiding or haven't shared or it seems like for whatever reason you haven't been transparent about it.
- Alison Monahan: Yeah, I think this is one of those things where you just have to be a grown up and you have to also accept the possible consequences of your decision making. So maybe it's well we can't get you in this office right now but we could do it in six months or a year and maybe you have to live apart from your partner who needs to be there for some reason. These are the trade offs that people who are adults have to make sometimes.
- Sadie Jones: Well and I also I think the practice group issue, there are times where maybe you have to be in the practice group you didn't want because it's a job. Or maybe that's the most important thing to you and you're going to go somewhere else. You're going to look for another job. But I know especially when the economy was down, a lot of people didn't get the areas they wanted and they survived.
- Alison Monahan: Yeah, it's just like do you want to have the job or not have the job? That's your choice. Either one of those is a valid decision but you have to make that choice. You can't just demand that a firm accommodate you in a way that doesn't make any sense for them as a business. That's not reasonable.



- Sadie Jones: Right. And they've also probably made plans based on the needs of the office and the needs of the people. If your mind changed doesn't necessarily mean that they can just make it work for you but maybe they can.
- Alison Monahan: Just ask for the thing that you actually want but then be prepared to deal with whatever the reality happens to be. But if you don't ask for it you're definitely not going to get it. So you may as well ask.
- Sadie Jones: Definitely.
- Alison Monahan: All right, with that we are out of time. Thank you so much for joining us.
- Sadie Jones: Thank you.
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