



# Law Library News

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## INSIDE THIS ISSUE:

New Books	2
10 Common Time Management Mistakes	3
Ethics of using public wi-fi (continued from page 1)	4
Beyond the Stacks	4

## Learn more about . . . Ethics of using public Wi-Fi

The following is a reprint of an article posted on [iPhone J.D.](http://iPhoneJ.D.com), the oldest and largest website for lawyers using iPhones and iPads. It was named the best Legal Technology blog in 2010 and 2011 by the ABA Journal.

### Ethics of using public Wi-Fi -- guest post by Prof. Dane Ciolino

Professor [Dane Ciolino](#) teaches at Loyola Law School in New Orleans, LA. He is the author of the book [Louisiana Legal Ethics: Standards and Commentary](#) (2013), publishes the blog [Louisiana Legal Ethics](#), and is widely regarded as an expert in legal ethics. He also has an interest in technology, and I have enjoyed teaching CLEs with him over the years. He recently [wrote](#) about the ethics of lawyers using public Wi-Fi, an issue that lawyers with an iPhone or an iPad frequently encounter in airports, coffeshops, etc.

Prof. Ciolino was kind enough to give me permission to republish his article for iPhone J.D. readers:

[Rule 1.6](#) of course requires a lawyer to maintain the confidentiality of client information. But does it require a lawyer who digitally stores and communicates information to use



über-security measures like [encryption](#) or [multi-factor authentication](#)? Does it prohibit a lawyer from using a public Wi-Fi network at Starbucks or at an airport?

A September 10, 2013 decision from the Ninth Circuit Court of Appeals should give comfort to even the most confidentially-minded of lawyers. In [Joffe v. Google, Inc.](#), the Ninth Circuit considered whether the federal Wiretap Act covers communications over Wi-Fi networks. That act imposes liability on anyone who "intentionally intercepts . . . any wire, oral, or electronic communication," subject to some exceptions. See [18 U.S.C. § 2511\(1\)\(a\)](#). Google argued that one of those exceptions carved out public Wi-Fi networks because they were, among other things, "accessible to the general public."

*Continued on page 4*

## Library Hours

**Weekdays**  
8:00 a.m. – 6:00 p.m.

**Saturdays**  
9:00 a.m. – 1:00 p.m.

**Sundays**  
Closed

**Holidays**  
Closed, except All Souls Day and Our Lady of Camarin Day

## News & Announcements

➤ **Parking for active library patrons.** The library has only five parking slots (including one disabled slot). To ensure these slots are available for patrons actively using the

library, please park in the Judiciary lot if you have court business.

➤ **Early closure.** The library will close to the general public at 5:00 p.m. on Thursday,

October 3, 2013 for a staff meeting. Eligible patrons wishing to use the library may obtain an access card. Please inquire at the service desk.

## New Books



### Buying a Business: What You Need to Know (Quick Prep)

By Alan Gutterman and Robert Brown

This book provides practical advice for individuals and managers who are considering buying a business – whether for the first time or as a repeat occurrence. Included is a step-by-step analysis of the two stages of acquisitions.

Chapters in the first section deal with preliminary issues to be addressed including business plans. The authors provide buyers with advice on

governance and management, accounting, finance, and tax issues that must be addressed in any acquisition. They also evaluate the intellectual property and antitrust issues that must be investigated before any acquisition is closed. This section then addresses product development, sales, marketing, human resources, and valuation of the company.

The second section of the book provides detailed information on the transaction stage, beginning with

negotiations and due diligence. Separate chapters address how to acquire businesses through corporate share, corporate asset, joint venture, proprietorship, partnership, and limited liability transactions. The last two chapters in this section deal with the closing and postclosing issues, particularly the cultural issues that can determine the success or failure of an acquisition. Each chapter includes forms that can be used in an acquisition.

--Book description from publisher's website



### Protecting Corporations Against Management Liability Claims

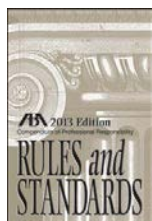
By Marc Katz, et al.

This book provides an authoritative, insider's perspective on key tips for helping clients avoid and address potential policy violation issues. Experienced partners from law firms across the nation guide the reader through the process of staying educated on state law and updating company policies to effectively prevent liability claims. These top

lawyers offer specific advice on preserving evidence related to allegations, helping clients learn their statutory protections, and coordinating defenses with other parties. Covering a range of issues, from maintaining accurate performance evaluations to identifying potential liability risks, these experts stress the importance of educating clients about implementing mandatory

employee compliance training and how to handle an investigation if one should arise. The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today, as these experienced lawyers offer up their thoughts on the keys to success within this dynamic field.

--Book description from publisher's website



### 2013 Compendium of Professional Responsibility Rules and Standards

The 2013 edition gathers together for immediate reference the essential legal ethics materials needed by lawyers and judges in their daily practice, law students in their exploration of the standards of their new profession, and legal

scholars in their analysis of the changing currents that influence professional regulation. In addition, the Compendium contains a selection of federal Rules and Standards that are commonly needed in the general practice of law,

and in practice before the SEC and IRS, and that impact upon a number of ethical rules of conduct, such as the rules regarding competence and meritorious claims and contentions.



# 10 Common Time Management Mistakes (Part 3)

By [Mindtools.com](http://Mindtools.com)

Third part in a series of articles; read the entire article [here](#).

## Mistake #6. Taking on too Much

Are you a person who has a hard time saying "no" to people? If so, you probably have far too many projects and commitments on your plate. This can lead to poor performance, stress, and low morale.

Or, you might be a [micromanager](#): someone who insists on controlling or doing all of the work themselves, because they can't trust anyone else to do it correctly. (This can be a problem for everyone - not just managers!)

Either way, taking on too much is a poor use of your time, and it can get you a reputation for producing rushed, sloppy work.

To stop this, learn the subtle art of [saying "yes" to the person, but "no" to the task](#). This skill helps you assert yourself, while still maintaining good feelings within the group. If the other person starts leaning on you to say "yes" to their request, learn how to [think on your feet](#), and stay cool under pressure.

## Mistake #7. Thriving on "Busy"

Some people get a rush from being busy. The narrowly-met deadlines, the endless emails, the piles of files needing attention on the desk, the frantic race to the meeting... What an adrenaline buzz!

The problem is that an "addiction to busyness" rarely means that you're effective, and it can lead to stress.

Instead, try to slow down, and learn to manage your time better

## Mistake #8. Multitasking

To get on top of her workload, Linda regularly writes emails while she chats on the phone to her clients. However, while Linda thinks that this is a good use of her time, the truth is that it can take 20-40 percent more time to finish a list of jobs when you multitask, compared with completing the same list of tasks in



sequence. The result is also that she does both tasks poorly - her emails are full of errors, and her clients are frustrated by her lack of concentration.

So, the best thing is to forget about [multitasking](#), and, instead, focus on one task at a time. That way, you'll produce higher quality work.

Our Expert Interview with Dave Crenshaw, looking at The Myth of Multitasking, will give you an enlightening look at multitasking, and will help you explore how you can manage simultaneous projects more effectively.

## Mistake #9. Not Taking Breaks

It's nice to think that you can work for 8-10 hours straight, especially when you're working to a deadline. But it's impossible for anyone to focus and produce really high-quality work without giving their brains some time to rest and recharge.

So, don't dismiss breaks as "wasting time." They provide valuable down-time, which will enable you to think creatively and work effectively.

If it's hard for you to stop working, then schedule breaks for yourself, or set an alarm as a reminder. Go for a quick walk, grab a cup of coffee, or just sit and [meditate](#) at your desk. Try to take a five minute break every hour or two. And make sure that you give yourself ample time for lunch - you won't produce top quality work if you're hungry!

## Mistake #10. Ineffectively Scheduling Tasks

Are you a morning person? Or do you find your energy picking up once the sun begins to set in the evening? All of us have different rhythms, that is, different times of day when we feel most productive and energetic.

You can make best use of your time by scheduling high-value work during your peak time, and low-energy work (like returning phone calls and checking email), during your "down" time. Our article, [Is This a Morning Task?](#) will teach you how to do this.

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*Time is the coin of your life.  
It is the only coin you have,  
and only you can determine how  
it will be spent.  
Be careful lest you let other  
people spend it for you.*

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--Carl Sandburg



## Ethics of using public Wi-Fi by Prof. Dane Ciolino

*Continued from page 1*

The court rejected Google's argument and held as follows:

Wi-Fi transmissions are not "readily accessible" to the "general public" because most of the general public lacks the expertise to intercept and decode payload data transmitted over a Wi-Fi network, members of the general public do not typically mistakenly intercept, store, and decode data transmitted by other devices on the network. Consequently, we conclude that Wi-Fi communications are sufficiently inaccessible that they do not constitute an "electronic communication . . . readily accessible to the general public" under 18 U.S.C. § 2511(2)(g)(i) as the phrase is ordinarily understood.

This decision not only is sensible, but also has important implications for lawyers. The rules of professional conduct require only that a lawyer "make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." See ABA Model Rule 1.6(c). In the wake of the *Joffe v. Google* opinion, it is now "reasonable" for a lawyer to assume that the communication of client information over a Wi-Fi network is "confidential" — after all, any interception by a would-be interceptor would violate the federal Wiretap Act.

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Therefore, it is no less reasonable for a lawyer to communicate over (now) federally-protected Wi-Fi networks than to communicate over federally-protected wireless phone networks, landlines and fax lines. In all cases, of course, fit the means of communication to the sensitivity of the information.

So, relax, take slurp of that venti double chocolate chip mocha Frappuccino, and send your email. It's okay.

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[iPhone J.D.](#) is published Attorney Jeff Richardson, of Adams & Reese LLP, New Orleans, La.

Prof. Dane Ciolino is the A. R. Christovich Distinguished Professor of Law at Loyola University New Orleans College of Law. To learn more about him, click [here](#).

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*From knowledge, justice.*

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## Beyond the Stacks



*Agana Bay*

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