



PROFESSIONAL LIABILITY FUND AND THE

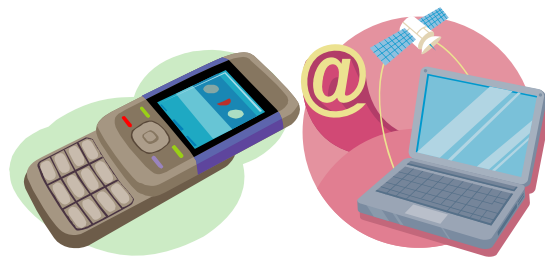


OREGON ATTORNEY ASSISTANCE PROGRAM

PRESENT

**Reducing the Pressure  
Lunchtime CLE Series**

# **Managing Stress Caused by Technology**



APRIL 2, 2008

PORTLAND BUILDING AUDITORIUM  
PORTLAND, OREGON

(Qualifies for 1 MCLE Credit – Personal Management Assistance )



# MCLE FORM 1: Recordkeeping Form (Do Not Return This Form to the Bar)

**Instructions:**

Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in accredited CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.

Name:		Bar Number:	
Sponsor of CLE Activity: OSB Professional Liability Fund			
Title of CLE Activity: Reducing the Pressure - Managing Stress Caused by Tech.			
Date: 4/2/2008	Location: Portland, Oregon, Portland Building Auditorium		
<input checked="" type="checkbox"/> <i>Activity has been accredited by the Oregon State Bar for the following credit:</i>  1* General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	<input type="checkbox"/> <b>Full Credit.</b> <i>I attended the entire program and the total of authorized credits are:</i>  ___ General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	<input type="checkbox"/> <b>Partial Credit.</b> <i>I attended _____ hours of the program and am entitled to the following credits*:</i>  ___ General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	

\* Personal Management Assistance Credit

**\*Credit Calculation:**

One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

**Caveat:**

If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

## **Dee Crocker**

Dee Crocker has over 30 years of experience in the legal field, including 14 years as a legal secretary, three years as a secretarial supervisor to over 50 legal secretaries, and three years as a law office manager. She is a past president of the Oregon Association of Legal Secretaries and a past member of the Board of Directors of the National Association of Legal Secretaries. Ms. Crocker is a contributing author to *A Guide to Setting Up and Running Your Law Office*, *A Guide to Protecting Your Clients' Interests in the Event of Your Disability or Death*, and *A Guide to Setting Up and Using Your Lawyer Trust Account*, published by the Oregon State Bar Professional Liability Fund. In addition, Ms. Crocker is the author of *The Office Policy Manual* and *The Office Procedures Manual*, published by the National Association of Legal Secretaries; *Basic Litigation Forms for Oregon Courts*, published by the Oregon Association of Legal Secretaries and endorsed by the Oregon State Bar; and *The Litigation Handbook for the Lawyer's Assistant*, published by West Publishing Company. Ms. Crocker joined the PLF as a practice management advisor in 1992.

# The Wise Use of Technology

Let It Work For You

Presented by  
Dee Crocker  
Practice Management Advisor  
Professional Liability Fund

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## Use Technology as a Bridge — Not a Barricade



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- ✓ Keep user in control
- ✓ Remember these are tools — not toys
- ✓ Use tools suited to the task
- ✓ Benefits justify financial/time investment
- ✓ Involve everyone
  - ✓ Selection
  - ✓ Implementation



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## Taking the Wrong Approach

- ✓ Complicated solutions to simple problems
- ✓ Sink or swim attitude
- ✓ Automate bad processes



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- ✓ Over reliance
- ✓ Impersonal client relations
- ✓ Lack of understanding or training



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Increase Productivity  
Decrease Frustration



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## AVOID Information Overload

- ✓ Use e-mail filters
- ✓ Save information you need — discard what you don't
- ✓ Make time to talk to real people
- ✓ Limit on-line discussion groups
- ✓ Decide what's important to know

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## Law Office Technology

- ✓ Hardware
  - ✓ Computer
  - ✓ Telecommunication
  - ✓ Photocopier
  - ✓ Scanner
  - ✓ Paper shredder
  - ✓ Fax machine



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- ✓ Software
  - ✓ Word processing
  - ✓ Document management
  - ✓ Document assembly
  - ✓ Billing/Accounting
  - ✓ Conflict management
  - ✓ Presentations
  - ✓ Calendaring
- ✓ Internet



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✓ Gadgets

- ✓ Cell phone
- ✓ PDA
- ✓ Laptop
- ✓ Other "fun" things



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### Let's Look At Email

- ✓ Filtering
- ✓ What Do I Do With Email?
- ✓ Save to Client File
- ✓ Junk Email
- ✓ Using Rules
- ✓ Using Subfolders



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### Filtering E-mail in Outlook

- ✓ Click the folder to filter
- ✓ On View menu, point to Current View, click on Customize
- ✓ Click Filter
- ✓ Select desired filter options

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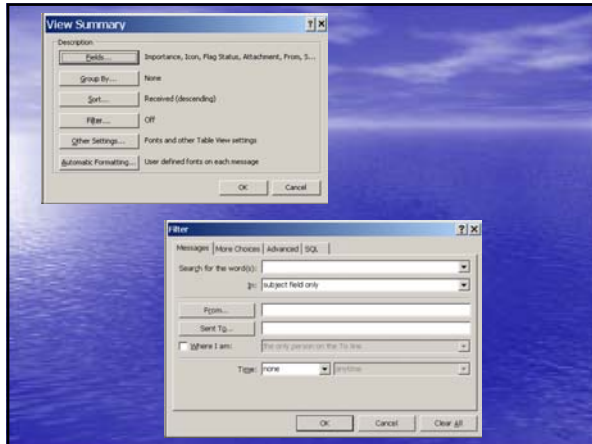
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## What Do I Do With E-Mail?

- ✓ Have more than one e-mail account
  - ✓ gmail.com, yahoo.com, hotmail.com, rock.com, aemail4u.com
- ✓ Save to sub-folder
- ✓ Save to client file as \*.txt file
- ✓ Save as PDF file
- ✓ **DELETE IT!**

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## Using Sub-Folders

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## Save to Client File

- ✓ Click on File
- ✓ Click on Save As
- ✓ Choose folder to save in
- ✓ Save as Type: Choose Text Only (\*.txt)



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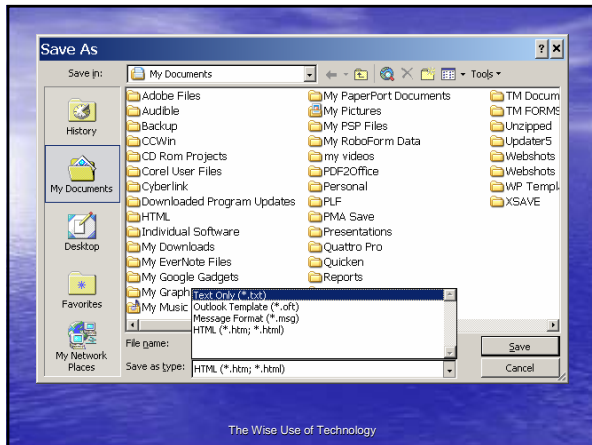
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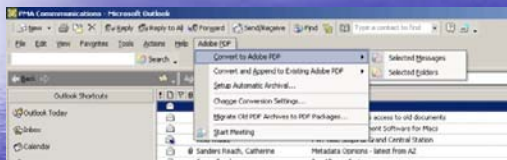
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## Save as PDF File



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## Junk E-Mail

- ✓ Right click on message
- ✓ Highlight Junk E-mail
- ✓ Click "Send to Junk senders list" OR
- ✓ Click on "Send to Adult Content senders list"



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## Remove Junk E-Mail

- ✓ Click on Organize (on toolbar)
- ✓ Click on Junk E-mail
  - ✓ Automatically move junk message to (Junk List, Deleted Items, or other folder) AND/OR
  - ✓ Automatically move adult content to (Junk List, Deleted Items, or other folder)

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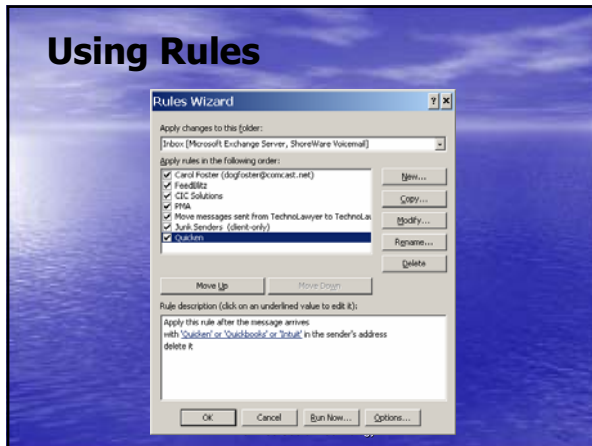
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# Using Rules



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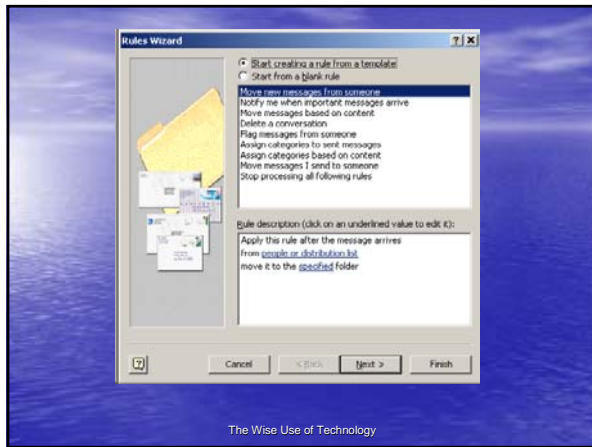
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# Once You Have Handled It:



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**CAUTION:**  
**Email is considered part of the client's file and should be maintained**



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**IN SUMMARY**

- Use technology as a "bridge"
- Control your technology
- Avoid overload
- Use email effectively

**Let It Work For You**

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**The End**

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By Dee Crocker and Natalie R. [unclear]



# Making Technology Work For You: Planning, Buying, Implementing & Training

When technology meets the practice of law, you are guaranteed a wonderfully exciting time. From constant problems to the best solution since the modern toaster oven, practitioners have come to realize how important and necessary technology

is in a law office. Learning about the myriad of options available in technology is daunting enough. Here is some assistance for helping you with the whole enchilada in terms of getting a solution up and running in your practice.

### Planning for Technology

Technology planning is a necessary part of running a modern law practice. Whether done formally by a committee or just having the sole practitioner decide that he must change this system or upgrade that program, planning is vital. Lawyers are quickly learning that PLAN is not a four-letter word but is instead a process that can be utilized to

from outdated systems and inefficient software applications, lawyers should also plan to enhance the skills of the firm's end users, *i.e.*, training. Another area that fits in with technology planning is the overall management of the firm's internal information systems or the personnel required to keep things running smoothly on the technology front.

- Partners
- "Techie" associates
- Administrators/Office Managers
- MIS personnel
- Advanced end users/staff
- Committee formed from the above

Again, there is no magical combination of individuals. Often there are cases where the most knowledgeable source regarding technology in the

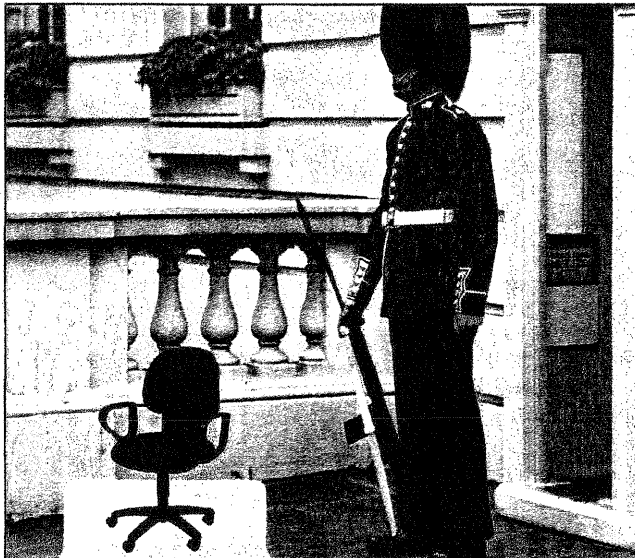
**...PLAN is not a four-letter word but is instead a process that can be utilized to make transitions and upgrades run smoothly.**

make transitions and upgrades run smoothly.

When one looks at a law firm to decide what technology needs have to be planned for, there are several things that come to mind immediately. For instance, with technology and the way advances are so quickly introduced into the marketplace, lawyers already know they will be replacing hardware and software on a regular basis. This can be referred to as the "tech circle of life." Aside

With so many areas of concern, who exactly should be involved in this planning process anyway? There is no definitive answer here, but there are certainly some combinations that work better than others when dealing with technology planning. Usually, the following people are involved in the technology planning stages for a law firm looking to resolve hardware and software concerns:

firm is left out of the planning altogether. This is a very big mistake. Another common mistake is the development of a committee that does not define strict parameters about who can "act" on the committee's "decisions." You may have heard of "death by committee" before. Overall, the individuals who need to be included in the planning process are those who will be directly responsible for the day-to-day administration of a solution and



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those who are close to the solution from the needs analysis to the final evaluation of the project. You cannot, of course, leave out those responsible for making the "decision" to go forward. Who pays? Who installs? Who trains? Who evaluates? Answering these simple questions may help in deciding the best decision-maker mix for your firm.

After it has been decided that a particular concern has been identified, how does the firm proceed to the solution? How does the planning start? Begin by doing your homework. Consult other firms of similar size and practice type to see if they have had the same problem and if they found a workable solution. Determine whether or not the solution they used will work for your concerns. Look also to local consultants and, perhaps, resellers of products for information. Certified consultants are often very knowledgeable about the many solutions on the market. Some state Bar associations have Law Practice Management or Law Office Management Assistance programs that may be able to help you sort through options. Likewise, you may be able to seek assistance from local end user groups dedicated to the solutions you have identified. Finally, don't forget to surf the net for the numerous sites that can assist you with finding appropriate solutions.

After narrowing choices for solutions, don't forget to first look at what's already in place in your firm. Don't overlook the obvious. You may be surprised at the knowledge of your own staff. Also, read the ReadMe text built into any applications you are using to find out in what direction the vendor seems to be headed as it relates to fixes for their application. (The Read Me text is the thing that you always say you don't want to read at the

## **The whole idea of planning has the inherent benefit of not having to reinvent the wheel when faced with similar concerns.**

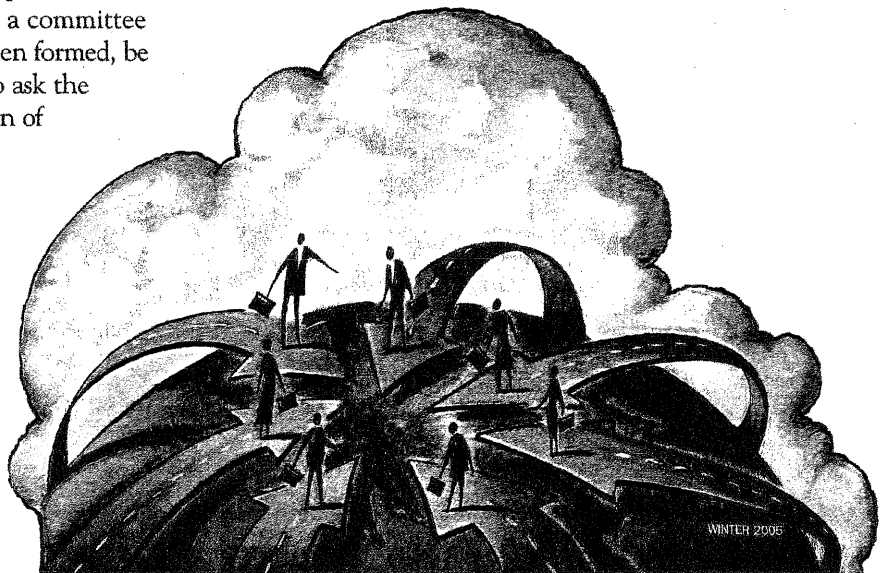
end of an installation.) Is the company fixing the things you think they should be fixing? Which bugs do they report as known issues? Do they indicate future versions of the program? What about service patches or maintenance releases?

Another helpful and necessary part of the planning process is to write out the plan. Don't lose track of where it is you are trying to go by not putting your plan down on paper. Writing out the plan opens the plan up for further scrutiny, and can even help you see holes some solutions may not cover. The whole idea of planning has the inherent benefit of not having to reinvent the wheel when faced with similar concerns. This part of the process will work in the firm's future, as those coming behind you will see what you have documented as issues and learn not to make the mistakes you have made. Write your plan down because you are inventing the wheel for those coming after you.

Be sure to involve others in the process. Whether or not a committee has been formed, be sure to ask the opinion of

the persons who will have to live with your decision(s) on a daily basis. How do they feel about the solution? Do they have any ideas that may help answer the concern? Take advantage of the local certified consultants who have been trained on the inner workings of products you are considering as solutions. Check with vendors to see if the consultants in your area are certified on the latest versions of their product. Get references from the consultants and talk to them, too. Learn the appropriate ways to structure Requests for Proposal so that you generate good responses from vendors.

At the next level, use an implementation plan. This plan should be drawn up for every solution you come across. Make sure that this plan is also written out. It should detail the who, what, when, where, how, why, and how much for your entire project. Knowing the answers to these questions is what maps out your path to the solution.



Before this step, you might even request from the vendor or local consultant a demonstration of how the product would run in your firm. Having the solution implemented in the environment where it will be running on a daily basis can point out any problems that might exist before a full rollout. Be sure to request full-blown version demonstrations where possible.

Implement your solution on a gradual basis. Stick to the latter part of the work week when doing installations. Also, where possible, train users in groups based on work roles and skill levels. Training is a key part of the process and can be planned for just like other hardware and software solutions. "Shelfware" doesn't just happen by itself. Train on the solutions so that they can do what you pay for them to do. As a final thought on training, keep in mind that the Internet makes for

some interesting opportunities when it comes to distance learning.

Build into the process a maintenance plan, too. Know that no application is perfect on every system. You will undoubtedly have some problems so be prepared with a maintenance schedule. From backing up your data EVERY DAY to performing periodic checks, make sure you have something in writing that outlines when and how you will monitor and tweak your systems.

Finally, don't forget the step you took to get the solution implemented. Formally thank persons involved in the process; if they are from outside the firm, stay in touch with them for future projects. Remember that your good word can go a long way, and you will probably be hearing that good word again.

Legal technology changes and lawyers try to keep up. Lawyers change the way they practice and

legal technology needs to keep up. Planning is vital to keeping these inevitable shifts from having a negative impact on a law firm. Planning is not a four-letter word, and you should definitely plan to PLAN!

LVN



### About the authors

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#### Overall Project Concerns

- Written Plan
- Written Budget
- Budget for Hardware
- Budget for Software
- Budget for Training
- Complete Review of Current Technology
- List of Current Hardware and Configurations
- List of Software and Current Service Pack/Release Levels
- Complete Acquisition of Certified Consultants and IT Experts
- Requests for Proposal
- Complete Contract for Services

#### Hardware Implementation

- Network Configuration
- Check Configuration of Network Resources and Overall Operating System
- Check Cabling for Appropriate Certification Level (CAT 5 or better)
- Determine Applicability of Wireless Options (not

recommended in law offices using Practice Management Software)

- Install Complete Backup Option
- Write Procedures for Daily Backups and Restore Schedule/Procedures
- Check/Install Desktops and Laptops
- Ensure Appropriateness of Peripheral Items: Mice, Keyboards, Speakers, Headsets, PDA Devices and Connections
- Perform Tests on Systems
- Set Schedule for Hardware Checks and Upgrade Cycle

#### Software Implementation

- Perform Installation
- Customize Application at Firm and User Levels
- Set Schedule and Procedures for Applying Updates/Service and Maintenance Releases
- Review Application Backup Procedures and Set Schedule
- Complete Appropriate Training for Application
- Set Schedule for Upgrade Cycle



## TEN NO-FAIL WAYS TO REDUCE WORK OVERLOAD

Your billable hours for the month are due at the close of business today. Your most important client has been waiting (somewhat impatiently) to see you for over 15 minutes. You had 30 days to file a motion in the Jone's Matter, and your deadline is ... say, is that thing tomorrow? And you're due home now for your son's football game.

Congratulations! You've entered Work Overload, the State of "Too Much Work, All the Time." Anxiety, burnout, irritability, forgetfulness – all part of the overload scenery. Have a stressful day.

### SERIOUSLY, HOW DID WE ALL GET HERE?

We are all driven to Work Overload – by our need to cope daily with clients, deadlines, scheduling conflicts, dozens (or hundreds) of email messages, the continual interruptions of phones and other paging devices, and all the other demands of working in a law office.

We're stressed – and we're wired. Email, cell phones, laptops, PDA's – they were supposed to liberate us from Work Overload. Instead, mobile office technology has taken us hostage. For millions of "wired lawyers," the good news is the bad news: thanks to all this cool gear, we're now able to conduct business anytime and anywhere, but we can no longer shut the office door. We check email on the weekend or late at night, answer pages at all hours, send faxes from home, and work while we're on vacation – all because we can, and feel we have to.

### TEN TIPS TO LEAVE WORK OVERLOAD BEHIND

The situation may seem out of control, but it's not hopeless. There are a number of tricks you can use to avoid the worst impacts of Work Overload.

1. **DON'T OVER-COMMIT.** Gracefully get out from under your most time-consuming and energy-draining clients. Ask yourself whether the work you're doing for the Client from Hell is profitable, or more stressful than profitable. I know it's difficult to say "No" to a client in today's economic climate. But just by relieving all the stress you're under from one difficult client, you make yourself open and available to more of your ideal clients. And, have you noticed, you're more productive and efficient when you're working with your ideal clients? Increased productivity equals increased billable hours available.

2. **LEARN TO UNDER-PROMISE AND OVER-DELIVER.** Give yourself a reserve of time. Make sure the client always feels he or she got more than expected. For example, if you can prepare the contract by Wednesday noon, tell your client you'll have it done by Friday afternoon. Deliver it on Wednesday and you'll be a hero! If you find that you can't meet a deadline or deliver on a promise, let the client know immediately. Explain when you can complete the project, then get it done on time. Most people will not care, because you were honest.

3. **LIMIT YOUR ACTIVE CASES.** Determine the number of active cases that you can adequately handle at one time and keep your case load at that level. Make an agreement with yourself that before you accept a new case, you will close an existing one that is ready to be closed.

4. **CALENDAR EVERYTHING.** When it's on the calendar, you don't always have to decide what to do next. Use your calendar to schedule appointments, deadlines (promised as well as

statutory), time to actually do the work, and personal commitments. This will let you see at a glance when your workflow is headed for trouble, and allow you time to make adjustments.

5. **AUTOMATE.** Technology allows us to zip through many repetitious (and boring) office tasks. Automate as many of these tasks as possible. Start with standardized documents. Get into “type it once” mode for any standard letters, forms or notices. Use an advanced document automation system to produce or modify documents, and watch your paper workload shrink.

6. **TACKLE CLUSTERS OF SIMILAR TASKS EACH DAY.** Switching continually from one task to another and back makes your workload seem greater, and breeds inefficiency and stress. We all know it’s too easy to stop what you are doing to read new email. Try this: three times a day, do nothing but answer email (rather than answering it intermittently all day). If your Internet connection is always on and the computer dings whenever you have email, turn the “instant notification” off. Similarly, nothing breaks concentration like having a client call about a matter unrelated to what you are working on. Set up “telephone-free” time: Mark off on your daily schedule the times when you accept phone calls and when you don’t. If you need to, give your administrative assistant a list of ideal clients to put through. Educate your clients on when you usually accept or return calls. They will usually call during those hours. Cluster legal research with document preparation, client contact, and billing for a single matter. Streamlining your workflow increases productivity and allows you to capture more billable time – with less stress and work anxiety.

7. **TAKE A LOAD OFF AT LEAST ONCE A DAY.** Go to lunch. Take a short walk. Try to take a break during which you’re not involved with clients, partners, or any work at all. If you can’t leave the building for even one-half hour, train yourself to step away from your desk now and then. Think twice before emailing Joe down the hall. If you need to discuss an issue with co-workers, think about having the meeting around a conference room table instead of through email. Make sure your day includes some calls to friends, family, your hairdresser – anyone outside of work who will not stress you out.

8. **RESERVE “SACRED TIME” TO PLAN, EVERY DAY.** This means no interruptions for 20 to 30 minutes, so you can review your progress, prioritize work and set your schedule. It will clear your mind, and your schedule.

9. **INSTITUTE A “CLOSED DOOR” POLICY.** Remember, the door swings both ways. Nothing stops unnecessary conversations like a closed door. Educate your partners and staff on your work habits. They won’t be offended if they understand when you need to be left alone.

10. **BUILD “SPEED BUMPS.”** As Governor of the State of Work Overload, you are required to build “speed bumps” into your workday – to make you slow down and become more mindful of what you’re doing.

Turn these tips into daily work habits, and wave goodbye to Work Overload forever! You’ll find you can still excel at your job and maintain your professional livelihood.

## **MANAGING CLIENT E-MAIL**

Are you struggling with how to manage client e-mail? Would you like a hassle-free way to select, print, and save messages relating to particular clients or matters? This article offers four simple approaches to keep your e-mail inbox lean and mean:

- (1) the built-in capabilities of Outlook;
- (2) Adobe Acrobat;
- (3) QuickFile 4Outlook; and
- (4) case management software.

These approaches will help to ensure that you are incorporating client e-mail into the appropriate client digital or paper file.

### **BUILT-IN CAPABILITIES OF OUTLOOK**

Client e-mails in Outlook can easily be saved to a text file that can be viewed (and searched) in Word or WordPerfect. First, create a folder on your computer for each client if you haven't already. If a client has multiple case matters, use subfolders. Each matter may have a subfolder for correspondence, pleadings, and other documents, as needed. Then set up e-mail folders and subfolders for each of your clients and client matters in your Outlook inbox that mirror the folders and subfolders in the client's computer files. Drag the messages from the inbox into the appropriate client e-mail folder.

To save client e-mails en masse using Outlook 2002, navigate to the e-mail folder containing the messages you want to save, choose "Select All," or select the individual messages you want to place in a text file. With the messages highlighted, choose "File, Save As," and navigate to the folder on your computer where you want to save the messages. Give the file a name, such as "Jones e-mail messages." "Jones e-mail messages" will be saved as a text file that can be opened in Notepad, WordPad, Word, or WordPerfect. If you save multiple messages in one batch, they will automatically be consolidated into one text document. The document can be searched, if necessary; stored with client Jones' other electronic documents; and printed for the client's paper file, if desired. The original e-mail messages can then be deleted from Outlook, freeing up valuable space and improving your computer processing speed.

If you want to save the attachments or graphics along with the original e-mail, when you select the "File, Save As" option, change the message type at the bottom of the dialog box from the default (which may be plain text, HTML, or rich text) to Outlook Message Format (.msg). To find and open the message later, you access it from Windows Explorer. You will note it has an envelope icon.

This technique should work in other versions of Outlook as well. If the "File, Save As" option is not available, select the messages you want to save, right click, choose "Print," and check the "Print to File" checkbox before clicking OK. Because you

are “printing” to a file (a text file on your computer) and not physically printing the messages, this is equivalent to the “Save As” approach.

You can save e-mails in this way one at a time – as you receive them – or all at once at the end of a client matter. Depending on the duration of the matter, save e-mails frequently enough to protect your client’s information from loss.

### **ADOBE ACROBAT**

If your office already owns Adobe Acrobat 7.0 Professional, you may want to consider this approach for saving client e-mail:

1. In Outlook, select the inbox folder with the e-mail message you want to save.
2. Click the button “Convert Selected Folder to Adobe PDF.”
3. In the “Save In” box, specify a folder on your computer (e.g., client/matter) in which to save the PDF file, type a file name, and click “Save.”

To convert a folder of e-mail messages to a PDF file and append the file to an existing PDF file:

1. In Outlook, select the relevant inbox folder.
2. Choose “Adobe PDF>Convert and Append to Existing Adobe PDF> Selected Folder.”
3. Select the PDF file to which you want to append the new PDF file.
4. Click “Open.”

### **QUICKFILE 4OUTLOOK**

QuickFile 4Outlook – Lawyers Edition is an add-in to Microsoft Outlook that doesn’t require users to learn a separate software program. After installing it, two new icons appear on your Outlook toolbar. You can easily create a filing system for your e-mail that corresponds to the client’s paper file and that moves e-mail out of your inbox and sent items to the correct client/case folder. If you prefer to print e-mail and save hard copies to the client file, QuickFile can speed up the sorting, printing, and filing process. (Folder names and other key information, such as case number and description, can be printed on each e-mail message to ensure more accurate filing.) Electronic archives can be created in Word or HTML by case or client, with e-mail attachments stored in a separate folder and accessible from the archived document.

QuickFile 4Outlook – Lawyers Edition starts at \$97.50. For more information, or a one-week free trial of this product, visit <http://www.outlook4lawyers.com>.

## CASE MANAGEMENT SOFTWARE

For those who are looking for solutions beyond mere e-mail management, purchasing case management software may make the most sense. Case management centralizes all client and matter data into one software program – from calendaring, docketing, conflicts, and billing to e-mail, documents, research, and more. The options here abound. One of the better known, LexisNexis® Time Matters, allows users to store e-mail and attachments in the appropriate case or contact file when received or sent. Mail does not remain in the Outlook inbox.

If you think case management may be the best choice for you, contact a practice management advisor at the Professional Liability Fund for more information: 800-452-1639 (toll-free in Oregon) or 503-639-6911.

### Conclusion

Once a matter is concluded, the client's computer folder or subfolder (including e-mail messages) can be digitally stored. You can then delete the original computer file to free up space on your computer hard drive.

As e-mail communication becomes more prevalent, finding a reliable means of filing client messages is critical. Whether you use one of the approaches described above or simply print all client e-mails, be consistent. Capture all messages, sent and received, as well as attachments, and retain them (electronically or in paper form) just as you would correspondence, pleadings, or other client documents. For help with e-mail management; file open, organizing, or retention issues; or other office organizational issues, contact the practice management advisors of the PLF. Remember, your inbox is not your filing system.

Beverly Michaelis  
*PLF Practice Management Advisor*

*Our thanks to Ellen Freedman, CLM, Law Practice Management Coordinator, Pennsylvania Bar Association; and Jay Solomon, a contributor to Technolawyer, an online technology forum for lawyers, for their contributions to this article which originally appeared in the November 2006 issue of the PLF newsletter, In Brief.*

## How to Organize Your Electronic Data

I am often asked by attorneys how to organize their electronic documents, including those produced by their firm and those that arrive as e-mail attachments or electronic faxes. For your firm to be most productive and maximize billable time, your office needs to consistently and efficiently organize all the “stuff” that is generated or passes through your firm’s computers. Failure to create and enforce a firm-wide system ultimately creates chaos, which wastes valuable time and resources.

Some practitioners are reluctant to “impose” a system on their firm. When such a system is proposed, those who must follow it often grumble that their creativity and autonomy will be stifled unreasonably. Often, the firm backs off as a result. Wrong move! Law practice can offer plenty of room for creativity, but electronic records organization is not one of the appropriate venues. Each firm may come up with a slightly different organizational scheme. Once your system is established, however, it should be uniformly followed by everyone in the firm.

### Central Storage

Your electronic files should be centrally stored. Everyone in the firm should be able to locate and retrieve documents from one place in the firm’s computer system. Central storage also reassures the firm that backing up one hard drive will protect all the firm’s documents.

If your firm does not have a network with a file server, designate one PC on your peer-to-peer network as the location for central storage of documents. Attorneys and staff can create documents and initially save them locally on their own PC. When a document is finished, however, the attorney or staff should transfer it to the designated PC and delete the local copy.

Occasionally, I encounter a firm with no network other than what I call the “sneaker” network. The firm has individual PCs with documents stored separately on each. While I would urge such a firm to install a peer-to-peer network, the firm may want to consider as an alternative an off-site hosted document management application. (Check out [www.myfilecenter.com](http://www.myfilecenter.com).)

I also recommend a document management software package, if your budget allows. This software enables your firm to automate the organization of electronic data, ensuring that everyone follows the system. It also allows full-text searching of documents, plus the ability to search many additional user-defined fields, alone or in combination, such as docket number, file number, attorney, practice area, type of document, and even key words. It provides the ability to create security groups and apply them to documents. Document management software also permits users to create searches that are done repeatedly – such as “my files” or “client XYZ files” – and save them as short-cut buttons for reuse as needed. It also allows your firm to organize other types of electronic documents, such as electronic faxes, e-mails, spreadsheets, PDF images, and others.

### Organizational Methods

Whether you use document management software or the do-it-yourself approach, your organizational system needs to be well thought out. Two *ineffective* methods are organizing files by attorney and by practice area. The advantage of organizing by attorney is that attorneys can always find their own documents quickly. The disadvantage of organizing by attorney becomes clear when searching for any files other than your own. To find the documents, you must know

which attorney brought in the file or did the majority of work on the file. In firms with attorney or staff turnover – are there any without? – it becomes increasingly difficult to locate documents over time. Organizing by practice area would seem to make more sense, if you know the substantive area of law, the client's name, and the matter. In practice, it is not that simple. The lines dividing one practice area from another are often blurry. Consider a real estate contractor client whom you defend in a construction liability matter. Do you file that matter under litigation or real estate? Consider a corporate client who contracts for an option to buy a piece of property. Is that a real estate, corporate, or contracts matter? In any given matter, different staff people might save the same documents in different places.

The most effective system is to organize by client. Each client should have its own electronic folder. Each separate matter for that client should have a separate subfolder. Each matter subfolder should have further subfolders such as correspondence, pleadings, discovery, contracts, and so forth. The names of these second-level subfolders will obviously vary according to practice area. Keep your system simple. If you create too many subfolders, it may become difficult to decide where to save a document because it applies to more than one subfolder. It is better to have fewer subfolders covering broader areas than too many covering too-narrowly-defined areas.

The next step is to decide on file naming conventions. Even with long file names, some consistency is required to ensure you can easily find what you're looking for. In correspondence matters, for example common abbreviations include LTR for letter, MEMO for memorandum, FAX for faxes, and so forth. Always include the name of the recipient, as well as a few key words. You may also want to include the original date in the filename. Here are some sample file names:

LTR 042304 Jim Smith re request from def for conference  
MEMO 032104 to file re research on chemical additives  
FAX 010404 Jim Smith re settlement proposal from def for review

Notice how easy it is to determine precisely what the documents contain. Capitalizing the type of item makes it stand out even more clearly. You can then use the Windows Explorer function to quickly and easily search a particular client folder or matter folder for certain document. A desktop search engine would make the search even faster and easier.

### **E-mail Organization**

Your e-mail inbox should be organized similarly to your document files. Create a folder for any client that uses e-mail regularly to contact you. You may not need to create subfolders for separate matters. It will depend on the volume of e-mails you receive. Create rules that automatically route inbound e-mails from those clients directly to their folders. If you receive e-mails from other individuals who are associated only with particular clients, you can also create rules to route their e-mails directly to the appropriate client folder. Don't worry that you will now "forget" that the e-mails exist because they are not in your main inbox folder. In Outlook, each inbox folder displays the number of unread messages in bold, so you always know new items are waiting to be read.

Your inbox should also have a variety of folders by subject matter. For example, you may receive e-mails regarding firm administration, marketing, technology, or other areas of practice management. You might also subscribe to news alerts or electronic newsletters relative to your areas of practice. You can make a rule to route them to the appropriate subject file.

Miscellaneous items, like e-mails from listservs, can be read and then dragged to the appropriate subject file.

Keep your main inbox folder uncluttered and organized so that you can find e-mails quickly and efficiently. Some people worry that they will forget about e-mails that require a response at a later date. Regularly scrolling through all the e-mails in one folder is a monumental waste of time. Instead, set a flag for follow-up before closing the e-mail. Then move it to the appropriate folder. When it is time to follow up, the e-mail will automatically pop up, no matter what folder it's in.

Once you have read, replied to, or dealt with each e-mail, you can save the e-mail as a text document in the appropriate client folder. From Outlook, simply click on File, Save As and save the document as a text file in the applicable client subfolder. You can then delete the e-mail itself.

Finally, you can create a customized button on your Outlook e-mail toolbar that allows you, with one click, to classify a sender as "junk." You will never again receive additional e-mail from that sender in your inbox. (Click on View, Toolbars, Customize. Click on the Commands tab and choose Actions under Category. Drag the "Add to Junk Senders List" from the Commands menu to your toolbar. Close the dialog box.)

Remember that the better organized you are, the less time you waste, and the less errors will you make. Ultimately, your firm will be more profitable.

Dee Crocker  
PLF Practice Management Advisor



# What Can I Do About SPAM?

SPAM generally defined as an unsolicited email, usually sent to many people at one time. Unsolicited email, a.k.a. SPAM or UCE (unsolicited commercial email) is now a serious threat to everyone's use of the Internet. ISPs (Internet service provider) are strongly opposed to it! It clogs their systems and angers recipients. Spam is frequently offensive and illegal if it involves pyramid marketing or rumor spreading. Unsolicited commercial email is just irritating.

## Why You? – How did they get to you?

Unfortunately, spammers “harvest” email addresses by stripping email return addresses out of something you posted somewhere. Your email address is then “sold” by others as a valuable commodity. You can add to your own problem simply by responding to spam. When you respond the spammer confirms a valid address. Now your name can now be sold to other spammers, and thus it begins.

## Spam Rules

- (1) Never respond to spam. Your message will most likely be bounced.
- (2) Never respond to the spammer's instruction to reply with the word “remove” or “unsubscribe.” This is just a trick to get you to verify your address. If you reply, your address is now guaranteed to get a lot more spam.
- (3) Take steps to filter or block spam. See <http://spam-filter-review.toptenreviews.com/> for the latest software.
- (4) Use an auto-responder function with caution. It also validates you as a live hit.

## Identify Spam Before It's Opened

- (1) Be wary of messages that state or imply that you have already shown an interest in their product or service  
Example: As you Requested, or Re: the quote you asked for.
- (2) Be wary of messages which make it appear that your name or address have accompanied the materials elsewhere  
Example: Your name is included in a long list of recipients none of whom you recognize.
- (3) Be wary of messages that claim to come from “a friend” or other questionable context.
- (4) Some are so obvious you know just from the host name or subject line.  
Examples smutking@pornoheaven.com, or lifeinsurancesales@spaninsurance.com
- (5) If neither the from or subject line raise any level of suspicion, it's probably spam. Just hit the delete button – it's crude but effective

## Ways to Avoid Receiving Spam

Use filters for subject or content words. Have your system filter words such as: free, loan, debt, resort, work from home, wealth, viagra, making money, wealth, secrets, snoring,

investments, etc. If, despite your subject filters, you still receive spam, look in the content for a commonly used word in the email and add it to your delete filter rules.

Caveat: Spammers know all about filters and try to get around them by using misspelled words. Instead of sex they will use seXXX, or instead of free, it may be freeMoney.

A word of caution – It is possible someone legitimately attempting to correspond to you may use a common word from your filter list. So be cautious in the words being placed in the filter, or you will have desirable email rejected.

Use two email addresses: One for communicating with friends and family, and one for such various Internet activities as e-shopping or chat groups.

Outlook, Outlook Express and Firefox – all allow for blocking of spam. You simply indicate that further mail from an offending spammer is to be blocked in the future. Unfortunately, this too, is not foolproof. Spammers use a multitude of names addresses or subjects, so you may have blocked them once but they can come back using a different name.

### **Ways to Get Back at Spammers**

- (1) Never buy from a spammer.
- (2) Report them by forwarding their message to their or your ISP. Paste the header and body of the spam by dragging your mouse over the entire email. Then right click and choose copy. Then send the pasted information and email content to the spammer's Internet Service Provider (ISP)

*Note: Unfortunately a few of the big league spammers maintain their own ISP, so your complaint will fall on deaf ears.*

- (3) Report illegal email to: [www.ftc.gov/spam/](http://www.ftc.gov/spam/)

### **Few Legal Remedies**

Much of the pornographic and gambling spam emanates from Russia or Europe because they are a lot more lenient. Spam legislation has not been enacted on a federal level, but several bills are pending. Unfortunately, as a worldwide activity, much legislation may be ineffective.

### **Special Kinds of Email Problems – The Hoax**

The sky is falling and other scary things. Be specially wary if the email encourages you to forward the information to everyone you know immediately.

Does the email quote a well-know authority or computer expert like a Microsoft or IBM executive in the message giving it supposed credibility? Does the email talk about the possibilities of untold danger if you don't act NOW? If so, you may have a hoax email. DO NOT forward.

Check it out first, go to [www.snopes.com](http://www.snopes.com) or <http://urbanlegends.miningco.com>

## **I LOVE YOU – The plan truth about viruses**

To help determine if your message is a virus, check the file extension. There are only five or six file extensions (examples: .doc or .jpg) that you should be receiving. There are several that you should NOT be getting unless you are a programmer. Right click with your mouse on the attachment to pull up the file's properties. If you see filename.txt.vbs or something similar DO NOT OPEN IT. The best way to stay protected is by using common sense and by using a good virus checker.

Trojan Horses and Worms are scary. For these you can get infected simply by visiting a Web site: You may want to disable Java, Javascript, and ActiveX in your browser.

Not scared yet? Go to [www.privacy.net/analyze](http://www.privacy.net/analyze) and see how much information your browser gives to the owner of a Web site.

## **Additional Resources**

To learn more about spam check out: CAUCE, The Coalition Against Unsolicited Commercial Email, [www.cause.org](http://www.cause.org), [www.law.com](http://www.law.com) (The Legal Challenges of Canning Spam), or [http://www.consultwebs.com/webresources.htm#spam\\_prevention](http://www.consultwebs.com/webresources.htm#spam_prevention)



PROFESSIONAL LIABILITY FUND AND THE



OREGON ATTORNEY ASSISTANCE PROGRAM

PRESENT

## Reducing the Pressure Lunchtime CLE Series

# Time Management



APRIL 9, 2008

PORTLAND BUILDING AUDITORIUM  
PORTLAND, OREGON

(Qualifies for 1 MCLE Credit – Personal Management Assistance )



# MCLE FORM 1: Recordkeeping Form (Do Not Return This Form to the Bar)

**Instructions:**

Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in **accredited** CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

**Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.**

Name:		Bar Number:	
Sponsor of CLE Activity:			
Title of CLE Activity:			
Date:		Location:	
<input type="checkbox"/> <i>Activity has been accredited by the Oregon State Bar for the following credit:</i>  ___ <b>General</b> ___ <b>Prof Resp-Ethics</b> ___ <b>Prof Resp-E/B</b> ___ <b>Child Abuse Rep.</b> ___ <b>Personal Mgmt Asst.</b>		<input type="checkbox"/> <b>Full Credit.</b> <i>I attended the entire program and the total of authorized credits are:</i>  ___ <b>General</b> ___ <b>Prof Resp-Ethics</b> ___ <b>Prof Resp-E/B</b> ___ <b>Child Abuse Rep.</b> ___ <b>Practical Skills</b>	
		<input type="checkbox"/> <b>Partial Credit.</b> <i>I attended _____ hours of the program and am entitled to the following credits*:</i>  ___ <b>General</b> ___ <b>Prof Resp-Ethics</b> ___ <b>Prof Resp-E/B</b> ___ <b>Child Abuse Rep.</b> ___ <b>Practical Skills</b>	

**\*Credit Calculation:**

One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

**Caveat:**

If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

## **Meloney Crawford Chadwick**

Meloney Crawford Chadwick is a graduate of Temple University School of Law (JD 1981). She was in private practice for two years, marketed WESTLAW products for eight years, and worked for several years in publishing as a writer and an editor. In recovery since 1988, Ms. Chadwick joined the OAAP staff in 1999. She is certified as an Alcohol and Drug Counselor both nationally (NCAC II) and in Oregon (CADC III).

## **Beverly Michaelis**

Beverly Michaelis received a B.S. degree from Portland State University in 1982 and a J.D. from the Northwestern School of Law at Lewis & Clark College in 1986. She is a member of the Oregon State Bar, Oregon Trial Lawyers Association, and American Bar Association with over 25 years' experience in the legal field as a lawyer and legal assistant. Ms. Michaelis provides confidential practice management assistance to Oregon attorneys to reduce their risk of malpractice claims, enhance their enjoyment of practicing law, and improve their client relationships through clear communication and efficient delivery of legal services.

Ms. Michaelis practiced with a personal injury firm in Portland and provided pro bono legal services through the Volunteer Lawyers Project for over 8 years. Before joining the Professional Liability Fund as a Practice Management Advisor in May 1996, she was Placement Director and Associate Executive Director of the Multnomah Bar Association for 8 years. She is a frequent speaker on a variety of practice management, technology, and malpractice avoidance topics for the Professional Liability Fund, Oregon State Bar, law-related associations, and Oregon law schools. She is a contributing author to *The Ethical Oregon Lawyer*, published by the Oregon State Bar and *A Guide to Setting Up and Running Your Law Office, Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Disability or Death*, and *A Guide to Setting Up and Using Your Lawyer Trust Account* published by the Oregon State Bar Professional Liability Fund. She is also a regular contributor of articles to the *Oregon State Bar Bulletin*, *In Brief*, and other publications.

## 9 Steps to Better Time Management



Beverly Michaelis  
Practice Management Advisor

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## Small Changes = Big Payoffs

1. Improve Efficiency
2. Save Money and Resources
3. Lower Your Stress
4. Improve Client Relations
5. Reduce Chances of a Claim



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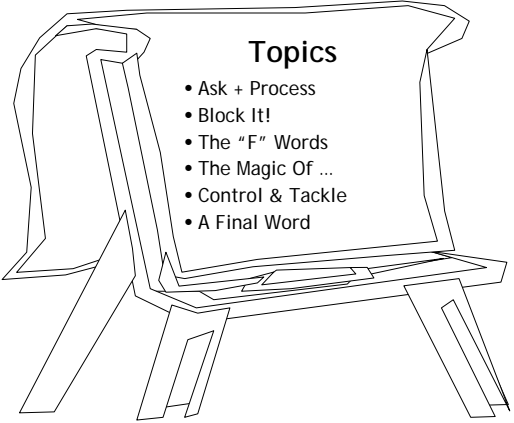
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**Topics**

- Ask + Process
- Block It!
- The "F" Words
- The Magic Of ...
- Control & Tackle
- A Final Word



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Step 1

**Before Not After**



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Step 2

**Become a Processor**

- What?
- Who
  1. Other Lawyers?
  2. Staff?
  3. The Client?
  4. Opposing Counsel?



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Step 3

# Block It!

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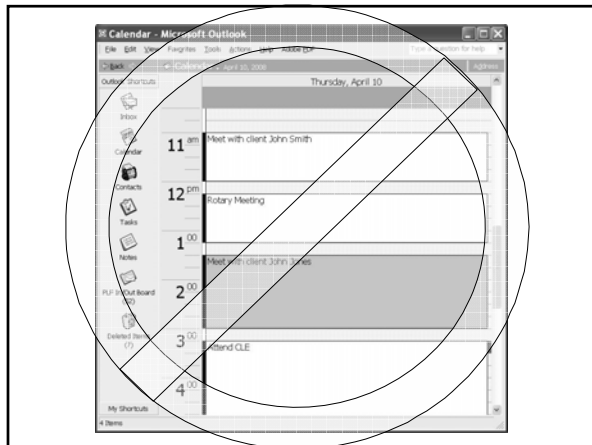
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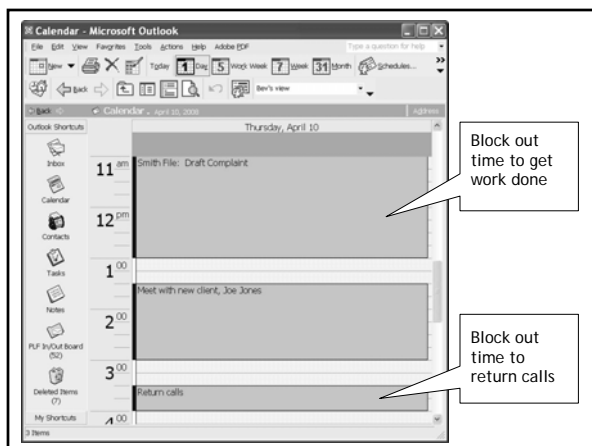
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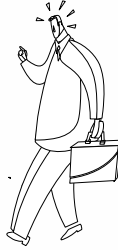
Step 4

### "F" Words

1. Avoid the "F" Words

- ✓ Fast
- ✓ Friends
- ✓ Family
- ✓ Fees
- ✓ Flattery

2. And Fire When Necessary!



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Step 5

### The Magic Of ...



*The Written Word*

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Step 6

### Control Big Projects

- ✓ Break It Down
- ✓ Set a Timeline For Each Step
- ✓ Delegate!
- ✓ Start Anywhere
- ✓ Procrastinating? Try the 15 Minute Trick



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The 7 Steps of Step 7

### Tackle a Backlog

1. Stop
2. Close for a Day
3. Find Help
4. Reclaim Your Freedom
5. Renegotiate and Reschedule
6. File!
7. Put Away



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Step 8

### 5 Ways to Improve Your Efficiency Now

1. Forms
2. Checklists
3. Dual Docketing
4. Advance Reminders
5. Weekly Staff Meetings



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### The Most Important Time Management Tool



The Final Step

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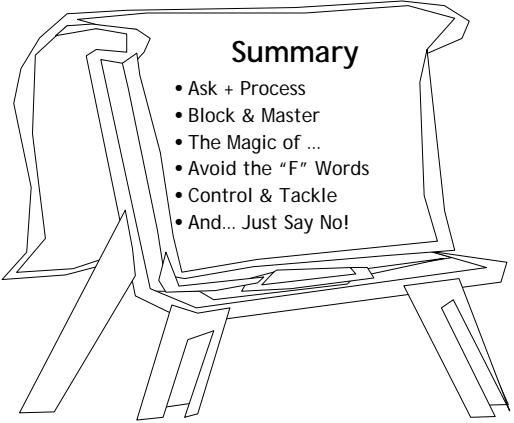
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**Summary**

- Ask + Process
- Block & Master
- The Magic of ...
- Avoid the "F" Words
- Control & Tackle
- And... Just Say No!



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**The Payoff**

1. Improve Efficiency
2. Save Money and Resources
3. Lower Your Stress
4. Improve Client Relations
5. Reduce Chances of a Claim



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# Time Management

An excerpt from:  
*A Guide to Setting Up and Running Your Law Office*

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Do you manage your time effectively or does time manage you? Many lawyers allow time to manage them. Interruptions are allowed to occur that deter them from the appointed task. Some lawyers even look forward to these interruptions as a way of avoiding the work they should be doing. Lawyers who say, “My best client called and I had to drop everything,” can then put the blame somewhere else when they get behind in their work. They justify that it was unavoidable—but was it?

It is easy to rationalize that the drop-in client *must* be seen, or that all phone calls must be taken. Many lawyers believe that if they do not take their calls, phone messages will stack up and they will not have time to return them. However, lawyers will avoid phone calls from angry clients who call to find out why their work has not been completed. Lawyers do not want to deal with these clients because the work has not been done.

People who habitually procrastinate need to ask themselves why. Is it being unsure of how to proceed? Is there a personality conflict with the client? Is it a feeling of power, *i.e.*, by waiting until the last minute you can have everyone running around to help get the project completed? Do you feel that you do your best work under pressure? Procrastination causes a great deal of stress for both the procrastinating lawyer and for those who must work with this lawyer under last minute time constraints.

The OSB's Lawyer to Lawyer Service is an excellent resource when a lawyer is unsure of how to proceed in a case. Lawyers registered with the Lawyer to Lawyer Service have agreed to volunteer their time to help other lawyers decide what steps to take in a matter.

The Oregon Attorney Assistance Program (OAAP) is another source of help for the procrastinating lawyer. It facilitates a group of lawyers who have agreed to work on their procrastination issues. These lawyers want to discover why they procrastinate and how to overcome this problem. This group requires the lawyer to make a commitment to attend the weekly workshops and work through the program.

## Schedule Work

One way to avoid being managed by time is to take control of your time and take control of your calendar. Use your calendar as it is meant to be used—to schedule your day. No one has any trouble putting appointments with other people on the calendar, but very few think of making appointments with client files. If the “Jones contract” must be completed, schedule an appointment with yourself to do it. For example, put a two-hour appointment on the calendar with the “Jones contract.” Block out this time the same as you would for any client who would be coming in to the office.

For obvious reasons, most lawyers have calls held when they are meeting with a client. The same should hold true if the client is not there but the client's file is. Lawyers who think that one short phone call will not be much of an interruption are mistaken. A two minute telephone call may cut into the time needed to work on a project by 10 to 20 minutes. By the time notes are made on the phone call and the lost train of thought is regained a great deal of time may have passed.

## **Schedule Time to Return Phone Calls**

Time for making or receiving telephone calls should also be blocked on the calendar. The secretary or receptionist can tell the caller when you are available. If the caller knows approximately when a return call can be expected, the caller can attend to other matters. Clients often expect the lawyer to call back within a few minutes and they will sit by the telephone anxiously waiting for the call to be returned. When calls are not returned within a few minutes, clients become irritated. They do not want to leave the phone for fear of missing the call, but they do not want to waste their time sitting there either. When the lawyer finally gets around to returning the phone call, the client may not be available and must try to call the lawyer back at another time. So the same routine starts over. This is a waste of everyone's time. Instruct staff only to say, "I will see that the lawyer gets the message." Staff should never promise that the call will be returned.

Figure out what time of day is your most productive. Are you a morning person and tend to run out of steam later in the day? If so, do the legal work in the morning and use the afternoon for appointments and returning phone calls. If you are a slow starter and do not reach your peak until later in the day, see clients and return phone calls in the morning. Inform clients when you take on a new case what time of day you take calls and why; they will not be offended. By doing the legal work during your peak thinking hours, you will spend less time spinning your wheels. You are able to concentrate better on the matter at hand.

## **Deadline Dates**

All deadline dates must be calendared. Reminders of these upcoming deadlines also need to be calendared. For example, a statute of limitations deadline should have a reminder on the calendar every month for the six months prior to the limitation date, weekly for the last month, and daily for the last week. However, never put yourself in the position of being down to the wire on a statute of limitations. Too many things can prevent you from meeting a fatal deadline date.

Self-imposed deadline dates must also be calendared. If a client has been promised a document by a certain time, that is a deadline that should be calendared. If you find you cannot keep that deadline, let the client know and give the client a new date. Clients generally accept revised deadlines graciously if they are told directly. This works much better than waiting for the client to call to find out what is going on.

Better yet, plan ahead. Before you make a promise to the client to complete a task by a certain date, take a moment to *realistically* assess your schedule. Think about the task. How long will it take? Who will be involved? When can you find a block of time to work on the task without interruption? If you form the habit of planning ahead, you can avoid breaking a promise to a client or setting an unrealistic self-imposed deadline.

## **Enlist Staff Help**

Instruct secretaries and receptionists to get as detailed a message as possible from callers. This information allows the lawyer to be prepared to answer the callers' questions when the calls are returned. The lawyer who returns a call without knowing what the caller wants may find that the information needed by the caller must be researched or checked by the lawyer. Consequently, another call must be made, and more time is wasted.

If the caller leaves a detailed message, the lawyer can have the secretary or legal assistant return the call and give the requested information. This alleviates the need for the

lawyer to return every phone call. Most clients are not as concerned about talking to the lawyer as they are about getting the answers they need.

### **Checklists**

A good checklist will take you step by step through a case. It ensures that you do not forget to get pertinent information from the client. It should include not only the necessary procedures, but the time lines involved in those procedures. This will allow a secretary to become familiar with the procedures of a case and know what steps need to be taken next. Without a good checklist, much time is wasted going through a file to find out what was done last and what must be done next.

Checklists must be kept up-to-date and cover all steps of a case. If only the first few steps are logged, the checklist will not do you much good in the later stages of the case.

Keep a checklist in each file. Entries must be logged immediately to make a file checklist work. Therefore, it is important that the person completing the action have the file at hand. Otherwise, it is easy to forget to make the entries.

Another good way of keeping on top of each case is to set up a tracking sheet for each area of the law in which you practice. This is done by listing, for instance, each probate case you have in the first column of the tracking sheet. Columns are set up across the page and are headed by each sequential step that needs to be taken. As the steps are completed, the columns are checked or dated. This allows you to look at all the cases you have in an area of law and see where you are on each case at a glance.

Some lawyers use a grease board for this purpose so they can erase the completed cases and insert new ones. Others use sheets of paper and add new cases at the end of the list.

A good checklist will ensure that nothing is overlooked. Each area of the law lends itself to its own distinctive checklist. The PLF has many checklists that can be used as is or can be adapted to fit your particular practice. For more information about checklists and practice aids available from the PLF, visit [www.osbplf.org](http://www.osbplf.org).

### **Mail Handling**

Set aside a specific time each day to deal with the mail. This is usually shortly after it arrives in the office. If you are a sole practitioner with no staff, turn on the answering machine or activate your voice mail and devote your entire attention to opening the mail, date-stamping it, and deciding what to do with each item. If you allow interruptions during this time, items that are to be calendared or dealt with may be overlooked or shuffled into the wrong file.

Put educational materials and magazines in a stack to be read later. Glance at junk mail and deposit it in the round-file, unless it is something you are interested in. If it is, put it in the stack to be read later. Make an immediate decision on all other mail. Pull the file for each piece of mail. Promptly docket/calendar all items that need to be calendared. File all items and tickle the files that do not need immediate action. Attach mail to the files that need immediate attention. When the action is taken, the documents are then filed in the file. This eliminates loose documents laying around your office that may be lost or misplaced.

A lawyer who has a secretary should use this time to meet with the secretary to go over the mail and the calendar. Deal with files tickled for that day at the same time. Many items can be delegated to the secretary for handling. Remaining items are the responsibility of the lawyer.

Meeting with the secretary daily not only ensures good communication between the lawyer and secretary, but allows each to review upcoming deadlines and work schedules. It is also a convenient time to review the status of current cases. This enables the secretary to talk intelligently to clients when they call and cuts down on unnecessary interruptions in the lawyer's workday.

All of us have situations arise that require immediate attention. When this occurs, the best efforts to follow through with carefully scheduled time will fail. However, these emergencies should be rare and not routine. If an emergency does arise, do not let the whole system fall apart. Re-juggle the schedule and keep going. Carefully scheduling work allows projects to be completed on time. The office where everything is a last minute rush creates stress for everyone involved—lawyer and staff. Scheduling your work and your day will allow everyone to take a deep breath occasionally. It will also make you, your staff, and your spouse or significant other happier.

### **To Do List**

Using some type of “to do” list works well for most people. This list can be handwritten and prepared each morning or the day before. It can be a list kept on the desk or carried with you so that items are added to it as they come to mind. As items are completed, they are checked off the list. A new “to do” list can be prepared every day. All items not completed the day before are rewritten on the new list. Or an ongoing “to do” list can be kept. When most items on a page are marked completed, that page can be tossed and the few remaining items transferred to a new page.

Most of us will put more items on a “to do” list than we can ever hope to accomplish in a single day. Do not let this be self-defeating. Give yourself permission not to do everything on the list. Then you will not feel guilty and quit using a “to do” list.

Many computerized calendaring programs also include a “to do” or “task” list. Some of these even show how many days the item has been on the “to do” list without having been completed. When uncompleted items stay on the computerized “to do” list and roll over from day to day, it eliminates the extra time necessary to rewrite items on a new “to do” list. At some point, however, it needs to be decided whether to keep an item on the “to do” list or delete it if it is not going to be done.

A “to do” list can become overwhelming, so it is a good idea to limit it to the items that need doing in the near future. Keep items that you may want to do sometime in the future on a list for future projects and not on the “to do” list.

### **Computer Management**

A computer can be a great time-saver, if it is properly set up and used to the fullest. However, many people use a computer only as a typewriter, which is not much of a time-saver. Learning some rudimentary computer skills beyond word processing is beneficial to any office.

Depending on your level of computer literacy, there are several ways to set up your computer to benefit you to the fullest. This section outlines a simple way to organize your hard



drive. Those with greater computer literacy can probably develop their own systems using these principles.

Forms can be developed using templates, macros, merge documents, or by inserting an asterisk wherever there is variable information in a document. Enhancements to word processing programs and specialized document assembly software, such as HotDocs®, can speed up the process.

As you develop forms, organize how they are stored on your computer. Start by setting up two directories or folders--one labeled "Forms" and another labeled "Letters." Within these directories, create subdirectories or subfolders for each area of law in your practice such as probate forms/letters, workers' compensation forms/letters, domestic relations forms/letters, will forms/letters, *etc.* Whenever you prepare a document or letter that is likely to be used again, save it to that particular "forms" or "letters" directory. Go through the document, delete variable information, and replace it with an asterisk or set it up as a merge document for future use.

Directories and subdirectories will keep you and your staff organized and allow for easy retrieval of forms and documents. Set up a subdirectory for each client's case. As you work on a case, import forms and letters from the various directories and subdirectories to that client's directory. Make changes to the forms and letters to fit the client's circumstances and then save them in that client's directory or folder. Give the changed form or letter a new name, so the original document is not changed and remains in its original directory or subdirectory to be used again.

When the client's file is closed, move or copy that client's directory or folder to a disk and delete it from the hard drive. Label and save the disk. If the client's file needs to be reopened, all the documents can be easily reloaded onto the computer. One added benefit to this system is that all office generated forms and letters can be removed from the case file when it is closed because they have been stored on disk. This saves file storage space.

Besides generating your own forms, many forms are available on disk from the OSB's CLE publications department and other independent developers of forms. Learn how to use your computer to its fullest, so you are not constantly reinventing the wheel. This saves you time and saves money for your client. It gives you more time to take on more clients and make more money.

One thing to keep in mind with any form of time management is that some people function better with rigid controls and schedules. However, most of us need flexibility. Build some flexibility into your schedule as an option. If you need the extra time—great. If not, you can use the time to work on other projects without feeling guilty.

# How You Can Eliminate Constant Telephone Interruptions

By Nancy Byerly Jones

- ✓ Do telephone calls interrupt your other work?
- ✓ Are you able to return all of your calls promptly?
- ✓ Do you spend more time on the phone than you want to?
- ✓ Have you ever wanted to rip your telephone from the wall and send it hurtling out of your life?

One of the most common complaints I hear from lawyers and their staff is that the telephone holds them hostage on a daily basis. Its constant ringing and the accompanying interruptions seem to rate as one of the “Top Ten Stress Inducers.”

I recommend that firms have a formal “Telephone Policy,” which they explain to clients and ask them to honor. A good phone policy will enable you to get your work done without constant interruptions. Meanwhile, clients will stop complaining about your tardiness in returning their calls.

An important part of the policy is to set a specific time for receiving and returning client telephone calls. For example, tell clients that they may call you any day between 3 p.m. and 5 p.m., and you’ll either take the call or return the call during that time. The rest of the day, you’re free to do your legal work without fear of calls from a panicked client.

Of course, you need to present this to clients in such a way that they won’t be offended or feel that you’re trying to avoid them. Emphasize that the policy is designed to do just the opposite: give them and their case your undivided attention.

Explain that attorneys must be superb time-managers and must structure their days very carefully so that each case gets the attention it deserves. Tell them that they don’t want you working on 10 other matters when you’re supposed to be working on their case. That’s the reason you set aside a specific time for phone calls, so that the rest of your day is devoted to giving their case the focus it deserves.

I’ve found that 40 to 65 percent of clients comply with this request, which goes a long way toward easing your time management burdens.

There are other steps you can take, and they should be part of a formal “Telephone Policy” that you discuss with clients during an initial interview. (For a sample policy you may wish to use, see the accompanying article.)

Other suggestions: Tell clients that if you’re in trial or involved in a deposition, you may not be able to get back to them within the time frame. However, someone from your firm will return the call within 24 hours.

If there is an emergency, they may call outside the time frame and someone will take the call or return it as soon as possible.

Ask clients to prepare for telephone conferences by writing down their questions before they call you. They should also have a paper and a pen with them so they can take notes of your conversation, including any instructions you have for them.

And they should always ask you to clarify anything they don’t understand; this prevents the problem of follow-up phone calls.

Make sure clients understand that you’ve created this policy in order to make them feel comfortable about how you handle their case. Help them understand that setting time aside for phone calls means you can give your undivided attention to legal work the rest of the day.

After discussing the policy, give clients a written copy to take home. Ask them to

make every attempt to comply, so that both you and they benefit.

*Nancy Byerly Jones is the principal in Nancy Byerly Jones & Associates, a national consulting firm for law firms. She is an expert in practice management, personnel matters and legal ethics. She can be reached at 919-968-6068 or by e-mail at [jonesnb@aol.com](mailto:jonesnb@aol.com) or [nbjones@mindspring.com](mailto:nbjones@mindspring.com).*

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# SAMPLE TELEPHONE POLICY FOR CLIENTS

As we discussed during our initial conference, excellent communications between us are essential and much of our contact will be by telephone. We have developed the telephone policy below primarily because we know your time is extremely valuable. Additionally, the policy enables our firm to continue providing the high quality of legal services for which it is well known by providing an efficient time-saving procedure for the making and returning of phone calls.

It is very important to the firm that we maintain prompt and productive communications with you. We also strive to minimize the frustration of "telephone tag" or lost time on your part in waiting for a return call from our office. We ask, therefore, that you agree to assist us in the successful implementation of this policy.

*IF FOR ANY REASON YOU CANNOT ABIDE BY THIS POLICY, PLEASE NOTIFY ME IMMEDIATELY SO THAT WE CAN WORK OUT A MUTUALLY AGREEABLE ALTERNATIVE PLAN.*

**1. TELEPHONE CONFERENCING HOURS.** Except in an emergency, please call me during the following office hours (for example, 3 p.m. to 5 p.m. or Mondays and Wednesdays between 8 a.m. and 11 a.m.). I will usually return your calls during these same hours. Please remember that at times I will not be available during these hours because of a trial or other client-related matter. Please do not be upset if I am not available to immediately take your call. Rest assured that someone from our firm will return your call within 24 hours. Should this not occur, however, we would appreciate your calling us back and letting the message-taker know that your original call has not yet been returned.

- 2. PREPARING FOR CONFERENCES.** Before calling, please prepare a written list of those matters you wish for us to discuss. If I am not available when you call, please share your list with my assistant so that I will be prepared for our discussion when I return your call, thereby saving us both valuable time. Please remember, however, that only attorneys can give legal advice and employees of our firm who are not attorneys do not give legal advice and should not be asked to do so.
- 3. NOTE TAKING.** Please have pen and paper available before calling to make any appropriate notes during our telephone conferences. You will then have a convenient record of our conversation and of important dates, advice or instructions I may have given you.
- 4. VOICE-MAIL ALTERNATIVE.** Our firm has voice-mail available if you choose to use it. Otherwise, you will be speaking directly with me or one of our firm employees.
- 5. EMERGENCIES.** If your call is urgent, please explain what the emergency involves to the person answering your call. I or someone from our firm will return your call as soon as possible.
- 6. YOUR TELEPHONE NUMBERS.** If asked, please give your telephone number(s) when leaving a message. We, of course, have such information in your case records, but having it on your telephone message assists us in maximizing the use of our time for you and for our other clients. It would also be appreciated if you would let us know if I may call you (and at what numbers) during evening hours or on the weekends when unavoidable circumstances do not allow me to return

your call during our telephone conference hours described above or when I may need to contact you on an expedited basis.


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P.O. Box 3097, Chapel Hill, NC 27515-3097; telephone and fax: 919-968-6068, e-mail: [nbjones@mindspring.com](mailto:nbjones@mindspring.com) or [jonesnb@aol.com](mailto:jonesnb@aol.com).

7. **VOICING YOUR CONCERNS.** We are very proud of our excellent and professional legal staff and feel sure that you will enjoy working with them. If, however, you have a concern regarding our attorney/client relationship or are less than completely satisfied with our firm for any reason, please notify me directly and immediately. It creates a most uncomfortable situation for the assistant who is put "in the middle." If for some reason you are not comfortable informing me of any such matters directly, please refer to our engagement agreement regarding the various ways of handling such concerns.
8. **ENSURING CLEAR COMMUNICATIONS.** During our conversations, please ask for any clarifications you may need so that we do not end a conference with your questions unanswered.
9. **IMPROVING OUR TELEPHONE CONFERENCING.** Please let me know if you have any suggestions on how we can improve upon our telephone policy or if you have any concerns or complaints regarding our handling of your calls. (Positive feedback is always welcome also!)
10. **THANK YOU!** Your cooperation and assistance play a critical role in the success of the attorney/client relationship and in reaping the time-saving and efficiency benefits offered by our firm's telephone policy. We value your having trusted us to represent you and intend to provide you with the excellent quality of services which you expect and deserve. Thank you again for having given us the opportunity to do so.

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## Where Does the Time Go?

Productivity and Organizational Changes that Last



Meloney Crawford Chadwick, J.D., CADC III, NADC II  
Attorney Counselor  
OAAP

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## Information Overload in the Law Office

- Overwhelmed
- Rising Expectations
- Stress
- Frustration
- Others?




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## The Balancing Act

OUR TWO JOBS:

- Getting planned work done
- Being available to others



EFFECTIVENESS= Balancing the job AND our expectations.

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## Where to Start?



Is it me or is it *them*?

What changes can be made ?  
How to make them stick?

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## Understanding Information Overload

Brain chemistry influences

- our attention and work output
- how we cope with anxiety
- how we deal with interruptions
- our overall resilience



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## The Brain at Work... in The Workplace

Personality Preferences (MBTI)  
Attention Deficit Traits (Hallowell)  
Expectations & Stress Reactions



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## Personality Preferences

- Individual inborn tendency to use our minds in different ways.
- These mental functions have no right or wrong.



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## Attention Deficit Traits

- Information overload, high stress shifts us into "survival mode"
- Attention Deficit *Traits*: overwhelmed, low focus & disorganized.



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## Expectations and Stress Reaction

- Paralysis by Analysis!
- Fear of Being Less than Perfect
- What to Do Next??



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## Manage Your Expectations

### HAVE THE EXPECTATION:

- To plan your day.
  - To work on priorities.
  - To move efficiently as possible through the day.
  - To handle interruptions with judgment.
- AND- Maintain a sense of humor!



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## Manage Anxiety Through Awareness



- Keep a time log for one week
- Identify your major distractions
- List your most important goals

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## Prioritize Your Tasks



- What is the return on my time investment?
- How does it meet my goals?

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## Avoid Paralysis!

Challenged by task completion?

- "Bookmark" or park distracting ideas.
- Work at the time of day you have the most energy
- Avoid perfectionism



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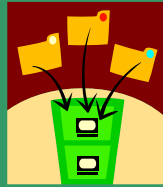
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## Managing Workflow

- What's the next step?
  - Action, File it, Toss it!
- Can it be done in 5 minutes?
  - Do it!
- Can it be delegated?
  - Pass it on!
- Can it be scheduled for a later time?
  - Calendar it now!



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## Productivity Solutions

- Break an overwhelming task into manageable bits
- Identify your most productive hour—protect it!
- Breathe to relax & re-energize



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## Organizing Solutions

- Work with your preferences
- Have a daily "To-Do" list
- Plan at the start and end of each day
- Consider color coded files and legal pads



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## Small Steps to Success



- Small Adjustments Last Longer
- Achievable Goals
- Build on Achievement
- Work with your Strengths

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## Create a Healthy Work Environment

- Ask for help
- Keep part of your desk clear
- Do what you need to stay focused



Overwhelmed? Slow down! Do something routine.

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**Summary**

- Awareness is the first step to action.
- Appreciate your unique skills and point of view.
- Don't be afraid to seek outside help!




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**Oregon Attorney Assistance Program**

**Confidential:** ORS 9.568, PLF Policy 6.150-6.300, ORS 9.08 (2), ORS Ch.194.410, BOG Bylaw Ch. 16 and ORCP 8.3.

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1-800-321-OAAP

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## Information Overload: Taming the Electronic Beasts

**Frantic, forgetful, fragmented and flummoxed.** Does this describe you or someone you work with? If so, you're not alone. Many smart leaders are being swept up by today's frenetic, globalized, technology-driven lifestyle.

**We have plunged into a mad rush of activity, aided by high-speed Internet, cell phones, instant messaging, BlackBerries and email 24/7.** We work longer hours, with escalating demands.

**We expect our brains to keep track of more than they can handle, and then find ourselves losing and forgetting things—impatient, anxious, worried and plagued by short attention spans.** We're caught in a frenzy, frustrated and often furious.

**Modern work life, for all of its timesaving conveniences, is sapping our creativity, humanity, joy and, occasionally, our sense of humor.** It's time to stop and look at what's happening.

**The speed of our lives threatens to destroy our most important connections.** Unless we deliberately set aside time for what matters most, the quality of our personal and professional lives will erode. When this happens, we find ourselves less energetic, optimistic and enthusiastic than before—and we don't even know why. We may think we are just too busy or disorganized, or ascribe it to growing older—or simply to life itself.

*"The true culprit is neither disorganization nor any of the other possible culprits just mentioned. It is that you have neglected what matters most to you. In today's world you must deliberately preserve and cultivate your most valuable connections to people, activities and what is most important to you."*

- Dr. Edward M. Hallowell, *CrazyBusy*, Ballantine Books, 2006

### ADD Nation?

**Since the mid-1990s, people have increasingly complained of being chronically inattentive, disorganized and overbooked.** Most complaints originate from individuals who do not have clinical diagnoses of attention deficit disorder (ADD). Instead, they suffer from what ADD expert Dr. Hallowell calls "severe cases of modern life"—a condition he dubs Attention Deficit Traits (ADT). It's an epidemic in many corporate cultures that promote a fast multitasking environment.

**ADT sufferers have an environmentally induced attention deficit, he asserts—a phenomenon he describes as the "F-state": frantic, frenzied, forgetful, flummoxed, frustrated and fragmented.**

**The faster we go, the more we take on.** The more we take on, the more there is to do. Laborsaving devices create more labor. By shortening the time and energy required to complete any one task, these devices free us to do more.

**Organizations are sacrificing their most valuable asset—namely, the imagination and**

**creativity of the “brains” they employ—by allowing ADT to infect the organization.** It’s not that hard to eradicate the problem once you identify it. But it may be difficult to convince people to abandon a habit that initially feels satisfying: over activity.

## **Adrenaline Rush**

**For many people, working in the F-state is fun.** Using email, BlackBerries and other devices provides constant stimulation. Some people enjoy the adrenaline surge: Doing everything faster feels exciting. We fuel our brains with caffeine to experience a rush and sharpen the edge. The number of available energy drinks laced with caffeine has dramatically expanded in the last three years.

**But living life faster and coveting more data won’t increase your sense of fulfillment.** While these behaviors may temporarily charge your emotional battery and get your energy flowing, they won’t deepen your connections to what really matters.

**We take on too much because we like the stimulation and attention that accompany being wanted and needed by others.** We create the overload we complain about and crave it when faced with moments of stillness.

**When the brain is stimulated by crisis, it goes into problem-solving mode, with mental blasts of energy and focus.** But when such stimulation is prolonged, and unresolved, our brain chemistry becomes less effective. Its centers of executive functioning, where decisions are made, are less likely to detect shades of gray. We’re then prone to narrow, black-and-white thinking. Our more primitive emotional centers of the brain kick in, triggering the fight-or-flight response, and we’re determined to slay the metaphorical tiger.

**Translated to the workplace, this is what happens when leaders are on overload, resorting to quick decisions that bring only short-term relief.** Their centers of rational intelligence are hijacked by the primitive desire to win at all cost.

**When you’re in a state of high-level fear, your brain goes into survival mode.** On the most basic physiological level, its lower centers “recruit” its higher centers to protect you from being killed. Adrenaline and cortisol flood your system, and you go into linear (black and white) thinking, with decreased mental flexibility, impaired critical-thinking skills and more uncertainty. You lose your sense of humor and are unable to entertain new ideas. You simply want to “fix it” (whatever “it” is), lest you be annihilated. This is fine if you’re being chased by a saber tooth tiger, but it’s inappropriate if you’re sitting at your desk.

## **Organizational Deficit Disorder**

**One side effect of a frenzied pace is disorganization.** We cannot keep up with all of the data and piles of paper we accumulate to stay informed. We become buried in clutter.

**This tendency has given rise to a new breed of specialists: professional organizers.** The occupation is populated by experts, speakers, authors and gurus who promote the art and science of getting organized.

**A recent search on Amazon.com returned 2,718 books on getting organized, with 300 devoted to conquering clutter.** A Google search yielded 15.2 million entries for getting organized and 4.6 million for clutter. But getting organized is like dieting: You won’t achieve happiness just because you do it.

**Disorganization is a symptom—not the core problem.** Getting organized may alleviate surface pain, but it doesn't address the root cause. Sure, we can all benefit from being more organized and getting a handle on time management, but the issues run deeper than simply clearing off our desk or emptying our inbox.

## Human Deficit Disorder

**Too much electronic time, coupled with a dearth of human moments, leads to an as-yet-unnamed medical condition.** Symptoms include loss of personal vitality, an inability to converse, a craving for a computer screen when we're separated from one and low-grade depression. For those who tend to be introverts, online communication becomes preferable to face-to-face interactions.

**Email communication is a poor substitute for authentic human interaction.** Electronic messages lack what makes communication interesting and emotional. We send an email because a phone conversation requires too much time, energy and complexity.

**Positive human-to-human contact reduces blood levels of the stress hormones epinephrine, norepinephrine and cortisol.** When we spend most of our time online or communicating via email, our brains are not exposed to the stimuli that trigger the release of mood-boosting hormones like oxytocin, vasopressin, dopamine and serotonin. They are known to enhance trust, bonding, attention and pleasure. Serotonin reduces fear and worry. And while face-to-face interactions do, indeed, take more time, they provide longer-lasting effects.

**Sadly, however, most companies are reducing travel and meeting time in favor of electronic communication.** At the end of the day, the time spent interacting with others is greatly reduced. While we may produce more in less time, we're faced with a gnawing feeling of emptiness and lack of fulfillment.

**What companies fail to realize is that the bonds that form from human connections are critical to peak performance.** If they're not firmly in place, commitment and motivation suffer—especially in virtual teams. The value of face-to-face meetings, even when travel is involved, sometimes outweighs the benefits of technological convenience.

## What Leaders Can Do

**All too often, companies cause Attention Deficit Traits in their work groups by demanding fast, rather than deep, thinking.** Most firms encourage employees to work on multiple overlapping projects and initiatives, resulting in second-rate thinking.

**Even worse, companies that ask their people to do too much at one time reward those who say yes to overload and punish those who choose to focus by saying no.** Some organizational cultures are overly infatuated with fast-acting individuals who multitask and work long hours, often to their personal—and the company's—detriment.

**Pressures to cut costs frequently prompt companies to lay off support staff, which forces managers to handle their own administrative work.** This is a mistake that has severe economic consequences, as companies end up losing money in the long term. The more time managers spend on clerical tasks, the less effective they are at completing the important work of moving the organization forward.

**Firms that ignore ADT symptoms in their employees will suffer its ill effects: People underachieve, create clutter, cut corners, make careless mistakes and squander their**

**brainpower.** As demands continue to mount, a toxic, high-pressure culture produces high illness and turnover rates.

**Firms can invest in amenities that contribute to a positive atmosphere, such as child care and gym facilities.** While this may seem like a luxury, companies like the SAS Institute in North Carolina ultimately save money on recruitment, training and severance expenses.

## Matching Skills to Tasks

**Leaders can help prevent a culture of ADT by matching employees' skills to tasks.** When managers assign goals that stretch people too far or ask them to focus on tasks for which they're not trained, stress escalates. Understanding an employee's cognitive and emotional style—and using this knowledge to identify the right jobs and tasks—is more than good management; it's an excellent way to boost worker productivity and morale.

**Leaders should also recognize and reward people for creativity.** They can encourage “downtime” or thinking time. If managers prohibit employees from taking the time to stop and think, they're not getting optimum brainpower. Remember: Brains are best equipped to think, analyze, dissect and create. If there's no time to reflect and people are forced to rely on bits of stimulation, they'll never have the skills or desire to perform complex reasoning and problem-solving.

## More Solutions

**No one would suggest surrendering today's laborsaving devices and Internet/email convenience.** Most people, however, need a system to stay on top of what matters most. With a plan, you can reap technology's benefits without falling victim to distractions, information overload and multitasking chaos.

**Two important prerequisites for creating solutions are a positive emotional environment and finding the right rhythm—a comfortable, productive routine you can consistently follow, regardless of distractions.**

**Dr. Hallowell includes a list of suggestions to control Attention Deficit Traits in his article, “Overloaded Circuits: Why Smart People Underperform” (*Harvard Business Review*, January 2005).** (To purchase an enhanced copy of the article, go to: <http://tinyurl.com/2lze26> )

## In General

- Get adequate sleep.
- Watch what you eat. Avoid simple, sugary carbohydrates. Moderate your intake of alcohol. Add protein. Stick to complex carbohydrates (vegetables, whole grains, fruit).
- Exercise at least 30 minutes every other day.
- Take a daily multivitamin and an omega-3 fatty acid supplement.

## At Work

- Do all you can to create a trusting, connected work environment.
- Have a friendly, face-to-face talk with a person you like every four to six hours.
- Break large tasks into smaller, more manageable steps.



- Keep a section of your workspace or desk clear at all times.
- Each day, reserve some “think time” that’s free from appointments, email and phone calls.
- Set aside email until you’ve completed at least one or two more important tasks.
- Before you leave work each day, create a list of three to five items you will attend to the next day.
- Try to act on, file or toss every document you touch. Don’t let papers accumulate.
- Pay attention to the times of day when you’re at your best. Do your most important work then, and save the rote work for periods when you’re less focused or energized.
- Do whatever it takes to work in a more focused way. Add background music, take short breaks or take a walk—whatever works best for you.
- Ask a colleague or assistant to help you stop talking on the telephone, emailing or working too late. Recognize and correct your nonproductive habits.

## **When You Feel Overwhelmed**

- Slow down.
- Complete an easy rote task: Reset your watch, write a note about a neutral topic, read a few dictionary definitions, or make a dent in a crossword puzzle.
- Move around: Go up and down a flight of stairs, or walk briskly.
- Ask for help, delegate a task, or brainstorm with a colleague. In short, do *not* worry alone.



## Covey Quadrant

<b>Quadrant I: Urgent and Important</b>	<b>Quadrant II: Important and Not Urgent</b>
<b>Quadrant III: Urgent and Not Important</b>	<b>Quadrant IV: Not Urgent and Not Important</b>

When you have to choose among several tasks, there are several prioritization tools you can use. I summarize key ones below. If you decide to use one of them as your primary prioritization tool, I recommend that you still keep the others in mind. It can be very helpful at times to break out of your routine way of looking at things and to use a tool that you don't use all of the time.

**Covey's Quadrants**

Steven Covey describes a high-level prioritization scheme in his book *The Seven Habits of Highly Effective People*. In this scheme, tasks are categorized by four quadrants:

- QI - Important and Urgent
- QII - Important but Not Urgent
- QIII - Not Important but Urgent
- QIV - Not Important and Not Urgent

Dr. Covey notes that highly effective people make time for the QII activities, and that doing so can reduce the time spent in other quadrants. While QI - QIV prioritization doesn't help you decide which QI activity to do first and which to do second, and so on, it can be very enlightening to find out which quadrants your tasks are in.

**Paired Comparison**

This method uses a simple scoring system for comparing activities. The following example illustrates how to apply this method.

Here is the list of example tasks:


1. Call wife about dinner plans
2. Fire Billy Bob
3. Draft budget report
4. Respond to e-mails

Compare the following and put a check mark against the winner of each comparison:

- 1 to 2, 1 to 3, 1 to 4
- 2 to 3, 2 to 4
- 3 to 4

Let's say the result of this is as follows:

- |                                 |     |
|---------------------------------|-----|
| 1. Call wife about dinner plans | XX  |
| 2. Fire Billy Bob               | XXX |



**Welcome**

**Getting Started**

**Managing Tasks**

**Prioritizing Tasks**

**Problem Solving**

**ex-Procrastinating**

**Goal Setting**

**Effective Writing**

**Macros**

**The Big Picture**

3. Draft budget report X
  4. Respond to e-mails
- 

So, the order you would do the tasks in would be 2, 1, 3, 4.

### The ABC Method

I first became aware of this scheme when I used a paper-based Franklin planner.

It ranks tasks into three categories:

- A = vital
- B = important
- C = nice

Then it subdivides tasks in these categories into A1, A2, A3, ..., B1, B2, ... and so forth.

A lot of people find this prioritization method to be very helpful.

### The Payoff versus Time Method

With this method, you weight each task by the payoff you expect from it versus the time it takes to do it. Tasks that have high payoff and that take little time are the ones you would do first. Correspondingly, tasks that have low payoff and that take a lot of time are ones you would do last or not at all.

Your [feedback](#) is welcome!

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Google

Search

# Competing for Attention in a World of **MoreBetterFaster**

- 1 No matter what you **say**... Everyone **listens** for **their** Know, Feel, Do!
- 2 People **tolerate** your logic, but they **act** on their own conclusions!
- 3 Cover **their** Know, Feel, Do in your first five minutes (for a meeting...five seconds for email):  
or accept that they're already **leaping to their own conclusions!**

## Know, Feel, Do: Applications

---

**Presentations** One-page summary: Know, Feel, Do from viewer's perspective

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**Teleconferences** Same: 30 second summary

---

**Meetings** Open with one minute summary of what you hope attendees will Know, Feel, Do

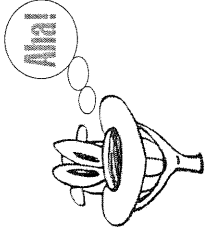
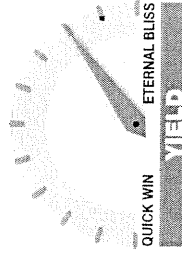
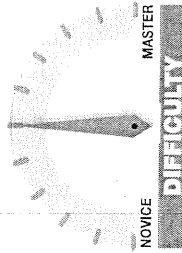
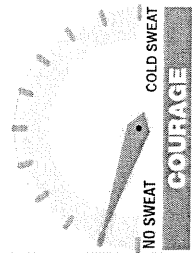
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**Letters/Memos** Know, Feel, and Do bolded or highlighted...And no longer than one page!

## TOOL 2

# Behavioral Communication

### HAVING CONVERSATIONS THAT MAKE A DIFFERENCE



### WHY THIS WORKS



When people choose between doing nothing, acting by complying, or committing to act, they consistently make their decisions based on the answers they get to the five questions of Behavioral Communication.

Since 1994, tested with over 300,000 people in 17 countries

### ANATOMY OF A DECISION: MAKING IT AS EASY TO COMMIT, AS IT IS TO COMPLY

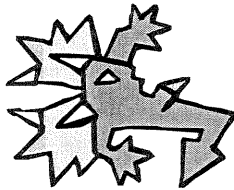
- How is this relevant to what I do?
- What, specifically, should I do?
- What does success look like? (What does failure look like?)
- What tools and support are available?
- WIFM — What's in it for me? And for us?

TOOL 3

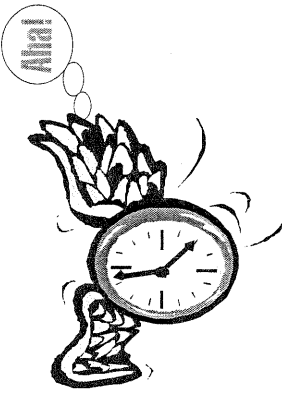
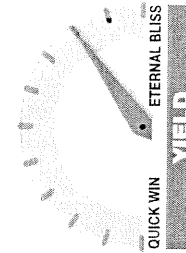
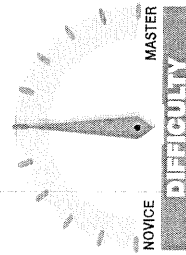
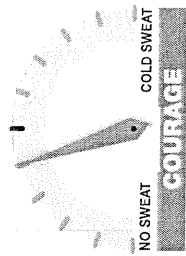
# Managing Timebandits



CLEAR is a deeper dive variation of Behavioral Communication



## PUSH FOR EVERYTHING TO BE CLEAR



### DEVILISH DETAILS

Even though this is so simple, and so rigorous, and guaranteed to be successful, most in this workshop will **not** use it. Only a few will. Why? It requires consistent personal discipline.

## THE CLEAR MODEL: THE ULTIMATE SCANNING, FILTERING, PRIORITIZING TOOL

**C**onnected

to my current projects and workload

**L**ist next steps

What I should do next

**E**xpectations

What success looks like

**A**bility

How I will get things done: Tools and support

**R**eturn

My WIFM: What's in it for me?



# CLEAR Realities

## **GUARANTEE 1:**

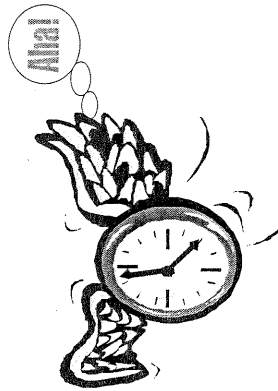
Using CLEAR consistently, in a disciplined manner, can save you at least one to two hours per day!  
Why?

Because four out of the five biggest time wasters in your day result from unclear, or overly-complicated, or unnecessary, or less-than-useful communication between you and your boss and your teammates. If you ask the questions behind this tool — (e.g., “Now, help me understand how this is connected to my current workload?”) — during your daily interactions, you can clarify or deflect those communications, and the associated work, much more quickly — saving you gazillions of hours over your entire career.

## **GUARANTEE 2:**

Almost 9 out of every 10 people who learn about the CLEAR model will not use it for more than a couple months, and will keep frittering away all those wasted hours.  
Why?

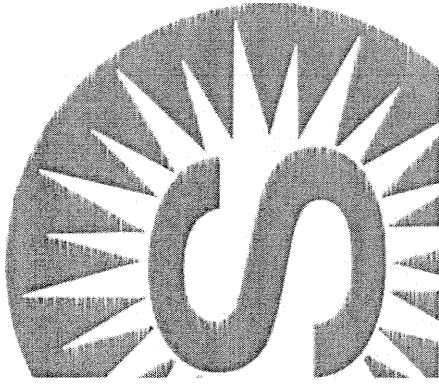
Because getting any benefit out of the CLEAR model requires personal discipline. Discipline to question, ask “Why?”, to pushback, and to say “no.”  
Discipline that most of us lack.



**Will you be the 1 in 10?  
Or among the 9 in 10?**

AND IF WE EVER BELIEVE WE'VE GOT IT ALL FIGURED OUT...

# Simple Truths



SOUNDBITES FROM SIMPLICITY, SIMPLICITY HANDBOOK, and WORK 2.0

- The depth of one's character, conviction, and priorities is revealed when we must choose between doing less and doing more
- Your ability to manage how your time is spent is directly related to your ability to push back, question, and say no
- We live in the Attention Economy; Every project is about bartering for someone's time and attention
- The paradox of simplicity is that making things simpler is hard work
- Change all you want, just know that execution travels at the speed of sense-making
- It is no longer acceptable to say that there's *work* and there's *life*, and it's up to employees to balance the two.



PROFESSIONAL LIABILITY FUND AND THE



OREGON ATTORNEY ASSISTANCE PROGRAM

PRESENT

## Reducing the Pressure Lunchtime CLE Series

# Stress Management



APRIL 16, 2008

PORTLAND BUILDING AUDITORIUM  
PORTLAND, OREGON

(Qualifies for 1 MCLE Credit – Personal Management Assistance )



# MCLE FORM 1: Recordkeeping Form (Do Not Return This Form to the Bar)

**Instructions:**

Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in accredited CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.

Name:		Bar Number:	
Sponsor of CLE Activity: OSB Professional Liability Fund			
Title of CLE Activity: Reducing the Pressure - Stress Management			
Date: 4/16/2008	Location: Portland, OR, Portland Building Auditorium		
<input checked="" type="checkbox"/> Activity has been accredited by the Oregon State Bar for the following credit:  1* General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	<input type="checkbox"/> Full Credit. <i>I attended the entire program and the total of authorized credits are:</i>  ___ General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	<input type="checkbox"/> Partial Credit. <i>I attended _____ hours of the program and am entitled to the following credits*:</i>  ___ General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	

**\*Personal Management Assistance Credit****\*Credit Calculation:**

One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

**Caveat:**

If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

**Shari R. Gregory**

Shari R. Gregory is a graduate of Wurzweiler School of Social Work (MSW 1987) and Rutgers School of Law (JD 1992) and received her certificate of Business Management from Portland State University (2003). Her counseling experience includes career counseling, mental health counseling, crisis intervention, transition counseling, and alcohol and drug counseling. She was in private practice specializing in criminal defense law for four years before joining the OAAP staff in 1999. Ms. Gregory currently serves on the board of Oregon Women Lawyers. She is the assistant director of the OAAP.

**Douglas S. Querin**

Douglas S. Querin is a graduate of the University of Oregon (JD 1971) and George Fox University (MA in Counseling 2006). He was in the private practice of law in Portland for over 25 years, working as a trial lawyer throughout the Pacific Northwest. He served his graduate counseling internship at William Temple House and has continued service there as a volunteer counselor. Mr. Querin is a Certified Alcohol and Drug Counselor I (CADC I) and is currently in the process of fulfilling his licensure requirements as a professional counselor. In recovery since 2002, Mr. Querin joined the OAAP staff in 2006.

## UNDERSTANDING STRESS & DEVELOPING COPING STRATEGIES

### I. Introduction

- A. Oregon Attorney Assistance Program (OAAP)
- B. Focus of Presentation
  - 1. What Stress is
  - 2. The Biology of Stress
  - 3. Managing Stress

### II. The Biology of Stress

- A. Biologically, stress is a *natural response* to perceived threat
- B. "Stress-Response" chemicals are released
  - Blood pressure; heart rate; respiration; metabolism >
- C. Non-essential activities curtailed
  - Digestion, immunity, reproduction, growth <
- D. "Relaxation Response" When threat avoided/resolved
  - Body returns to *Balanced State* ↔
  - Body can attend to long term survival functions
  - e.g., Maintenance, growth, immunity, reproduction

### III. Stress in the 21<sup>st</sup> Century

- A. Stress-Response system was originally designed to deal with short term, *physical* threats
- B. Today's stress is primarily *psychological*; our *thoughts*
- C. Body's Stress-Response is largely the same for psychological threats as physical threats
  - stress chemicals are released
  - body prepares for *immediate* threat
  - Relaxation Response not engaged
  - long term survival functions often deferred
- D. Positive stress: *Short term*; energize, motivate, focus
  - when stressor addressed, Relaxation Response kicks in
  - body returns to balance & long term functions resume

- E. Negative stress: *Long term*, often fears; thoughts, etc.
  - constant production of stress-related chemicals
  - constant state of alert to meet perceived threat
  - essential functions curtailed to deal w/ immediate threat
  
- F. Consequences of Unhealthy Stress (1° stress hormones)
  - Cardiac system vulnerable
  - Immune system less efficient
  - Digestive system slows down
  - Sleep disruptions
  - Other consequences (brain cells, muscles, libido, etc.)

#### IV. Understanding & Managing Stress

- A. Managing Stress Means Facilitating Relaxation Response
  - Activities that reduce stress hormone levels
  
- B. Starting Point: Self Awareness
  - Identifying our stressors
  - Identifying stressors at home, work, & elsewhere
  - Recognizing signs & symptoms of stress
  
- C. Identifying unhealthy behavioral responses to stress
  - Alcohol, other substances, and the legal profession
  - Identifying problematic coping styles
  
- D. Proven tools and activities for managing stress
 

<ul style="list-style-type: none"> <li>• Diet</li> <li>• Exercise</li> <li>• Time management</li> <li>• Relaxation/breathing skills</li> <li>• Leisure activities</li> <li>• Sense of humor</li> </ul>	<ul style="list-style-type: none"> <li>• Self awareness</li> <li>• Focus on the present</li> <li>• Spirituality</li> <li>• Detachment</li> <li>• Social support</li> <li>• Stress management plan</li> </ul>
--	--

#### V. Workplace Stressors and How to Cope with Them

- A. Do you remember when.....
  
- B. How to unwind at your desk.
  - Breathe
  - Exercises
  - Talk to someone
  - Take breaks and lunch
  - Laugh

- C. Managing time and effective organization when the system is managing you.
- Letting go.
  - Specify specific times for different activities, i.e. making calls, checking voicemails, writing/research/prep, talking with assistants and each other
  - Organize your files so you can find stuff when you need it, designate specific place to keep files, have case list and update weekly and discuss between atty. and staff
- D. Flexibility vs. Role definitions
- Talk with attorneys about your role and when it is or is not ok for each other to take on tasks that are outside of your job description.
- E. Boundaries- Know where you stop and another begins
- Learn the limits of your role and clarify your role with attorneys, other staff and at times with your clients.
  - Remember your clients stressors are NOT your own, they are problems you may or may not be able to solve.
  - Keep your attorneys stressors at arms length wherever possible.
- F. Communication
- Watch your tone of voice
  - Find out whether now is a good time to talk with someone
  - Be respectful of self and others.
- G. Spirit
- Encourage HUMOR in the workplace
  - Camaraderie is important when you are in the trenches together
  - Caution: pay attention to negativity- do not over scrutinize each other, and give each other benefit of doubt
  - Designate a person to be the go to person for case questions, morale issues, fun and rallying the troops.
- H. *Have fun!*



## Fight or Flight Stress Response: Physiological Changes

- Cognitively, become more alert and focused
- Heart rate speeds up
- Blood pressure increases
- Breathing rate increases
- Circulation draws inward, away from extremities in order to provide extra blood to major muscle groups and vital organs
- Chemicals are released to make the blood clot more rapidly
- Sugar (glucose), fats and cholesterol are released from the liver, muscles and fat cells into the blood stream
- Salivation is inhibited
- Digestion is inhibited
- Digestion slows so blood may be directed to the muscles and that part of the brain necessary to respond to the immediate threat
- The stomach secretes more acid
- Muscles tense in preparation for major activity
- Perspiration increases
- Flushed face, dryness in mouth, sweaty, palms, cold hands and feet
- Perception of pain is blunted; endorphins released in brain
- Reproduction is suppressed

## Relaxation Response: Physiological Changes

- Heart rate slows down
- Blood pressure decreases
- Breathing rate decreases blood circulation normalizes
- Blood circulation normalizes
- Salivation stimulated
- Digestion stimulated/normalized
- Electrical activity (“brain waver”) become synchronized and even
- Stress hormones (e.g., adrenaline, cortisol) are reduced
- Immune functions are normalized
- Growth functions (bone, muscle, other tissues) are normalized

## Chronic Stress is Linked to Numerous Health Conditions

- Impaired growth
- Immune system impairment
- Decreased sex drive
- Fertility risks
- Gastrointestinal disorders
- Nutritional disorders
- Cardiovascular risks
- Cardiac risks
- Diabetes risks
- Pain conditions (E.g., headaches, backaches)
- Depression disorders
- Anxiety disorders
- Sleep disruption
- Substance abuse

## Stress Warning Signs & Symptoms

<p><u>Cognitive Symptoms</u></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Memory problems</li><li><input type="checkbox"/> Indecisiveness</li><li><input type="checkbox"/> Inability to concentrate</li><li><input type="checkbox"/> Trouble thinking clearly</li><li><input type="checkbox"/> Poor judgment</li><li><input type="checkbox"/> Seeing only the negative</li><li><input type="checkbox"/> Anxious or racing thoughts</li><li><input type="checkbox"/> Constant worrying</li><li><input type="checkbox"/> Loss of objectivity</li><li><input type="checkbox"/> Fearful anticipation</li></ul>	<p><u>Emotional Symptoms</u></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Moodiness</li><li><input type="checkbox"/> Agitation</li><li><input type="checkbox"/> Restlessness</li><li><input type="checkbox"/> Short temper</li><li><input type="checkbox"/> Irritability, impatience</li><li><input type="checkbox"/> Inability to relax</li><li><input type="checkbox"/> Feeling tense and "on edge"</li><li><input type="checkbox"/> Feeling overwhelmed</li><li><input type="checkbox"/> Sense of loneliness and isolation</li><li><input type="checkbox"/> Depression/general unhappiness</li></ul>
<p><u>Physical Symptoms</u></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Headaches, backaches</li><li><input type="checkbox"/> Muscle tension and stiffness</li><li><input type="checkbox"/> Intestinal problems</li><li><input type="checkbox"/> Nausea, dizziness, insomnia</li><li><input type="checkbox"/> Chest pain, rapid heartbeat</li><li><input type="checkbox"/> Weight gain or loss</li><li><input type="checkbox"/> Skin breakouts (hives, eczema)</li><li><input type="checkbox"/> Loss of sex drive</li><li><input type="checkbox"/> Frequent colds</li></ul>	<p><u>Behavioral Symptoms</u></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Eating more or less</li><li><input type="checkbox"/> Sleeping too much or too little</li><li><input type="checkbox"/> Isolating yourself from others</li><li><input type="checkbox"/> Procrastination</li><li><input type="checkbox"/> Alcohol, tobacco, drugs to relax</li><li><input type="checkbox"/> Nervous habits (e.g. nail biting)</li><li><input type="checkbox"/> Teeth grinding or jaw clenching</li><li><input type="checkbox"/> Overdoing activities</li><li><input type="checkbox"/> Overreacting to events</li></ul>

## Identification of Personal Stressors\*

### Life Events Stressors

- Marriage
- Death of family member/close friend
- Birth/adoption of child
- Major financial setback
- New job
- Losing job
- Major change in job demands (promotion/demotion)
- Retirement
- Natural disaster
- Divorce/separation
- Crime
- Major illness of self/family member
- Major job change of spouse
- Change of living arrangements
- Other

### Physical Stressors

- Pollution
- Excessive noise
- Physical disability/chronic pain
- Weather extremes
- Sleep deprivation
- Physical injury
- Lack of rest/relaxation
- Smoking
- Excessive drinking/Inappropriate drug use
- Obesity/Overeating/junk food
- Rapid dieting/undereating
- Excessive exercise
- Excessive travel (airplanes, time zones, etc.)
- Other

### Daily Stressors

- Time pressures/Too many responsibilities
- Deadlines
- Traffic/commute
- Financial problems
- Conflicts w/ co-workers
- Conflicts w/ spouse/partner
- Difficulties w/ children
- Challenges with elderly parents
- Disorganization at home/work
- Home/car upkeep/maintenance
- Household chore
- Other

\* Adopted from the American Heart Association

## TIPS FOR MANAGING STRESS

A summary of 12 of the most common ways to reduce stress and supply balance to life are listed below. Don't try all 12 at the same time. Pick one and practice it until it becomes a habit. It takes a real commitment and continual practice so that a new learned adaptation becomes part of a behavioral pattern. After one item has been thoroughly incorporated into your life, pick another and work on it until it also becomes a part of your life.

1. **WATCH YOUR DIET/EXERCISE.** We all know the importance of diet and maintaining appropriate weight. Increased stress levels due to the "fight or flight syndrome" are best dissipated through physical activity. A recent survey of more than 1,000 CEO's showed that approximately 90 percent were careful about their diet, and 64 percent exercised regularly. The CEO's highest degree of satisfaction was obtained not from their salary or work but from family, spouse and children.
2. **LEARN TIME MANAGEMENT.** Prioritizing and learning to manage one's time effectively can reduce procrastination and the stress of looming deadlines.
3. **LEARN RELAXATION AND BREATHING SKILLS.** Learning how to breathe deeply can be a simple exercise bringing immediate results. Relaxation techniques, such as yoga, transcendental meditation, the Benson relaxation response (constant repetitions of a word, such as one, relax, etc.) and other forms of relaxation have been proven to be highly beneficial. A recent study involved individuals with 90 percent blockage in their heart vessels. After several months of using only relaxation techniques, the heart blockage was reduced by 50 percent.

The relaxation response is the direct opposite of the stress response. Not only does it reduce stress and improve health, but it increases clarity of thought and raises energy levels.

4. **LEARN TO PLAY AND HAVE FUN.** If we spend many hours a day in work there should be some time set aside for playing and having fun. Personally, I have always found it difficult to set aside play and fun time. The last couple of years I have enrolled in an art/pottery or some other class at a community college. This requires me to be at a certain place at a certain time, and my fun time becomes part of my schedule.

5. **DEVELOP A SENSE OF HUMOR.** Humor and laughter are wonderful stress reducers. When you laugh, endorphins and neurotransmitters in the pleasure center of the brain are released, creating the relaxation response. The overall relaxation effect can last for up to 45 minutes after laughing. Many times we are able to look back at difficult and sometimes almost tragic events and see the humor in them. The basic messages are lighten up, don't take things so seriously and laugh a lot.
6. **INCREASE SELF AWARENESS.** Learn what your stressors are. What triggers anger or makes you upset? There can be different stressors for different people. Knowing what yours are is important.
7. **USE POSITIVE THINKING AND SELF TALK.** Your attitude toward stressful situations is critical. If you focus on the positive and good, positive things seem to happen. It is very important to talk to yourself using positive affirmations in order to change behavior and reduce stress. Repeating statements such as, "I will manage my time," "I will watch my diet," "I am not a procrastinator," etc. will produce the intended result. When you start changing how you think, you can ultimately change how you behave. It is the classic statement, "*As a man thinketh, so he is.*"
8. **FOCUS ON THE PRESENT.** Some people may "regret," wishing they had done things differently. The past is the past. Others live in the future, worrying about what tomorrow will bring. Tremendous psychological energy can be wasted regretting the past or worrying about the future. If you can focus on the "here and now", stress can be reduced and feelings of serenity induced.
9. **USE PRAYER.** This technique brings about the same kinds of stress reduction that relaxation techniques do. An excellent book on the subject is entitled, "Beyond the Relaxation Response; the Faith Factor" by Herbert Benson. This technique may not apply to everyone. I am not saying that people need to have any certain form of religious affiliation or belief. For some people a spiritual dimension is an integral part of their lives. Relying on that spiritual source can be of great value in dealing with stress and reducing the threat of burnout. Once again, this is an individual choice but a proven, effective stress reduction technique.
10. **DEVELOP A DETACHED ATTITUDE.** Many of us get caught up in the successes and failures. It is important to develop a "let go" attitude. The important thing is to do the best job you can and then let go of the results.

11. **IMPROVE RELATIONSHIPS AND DEVELOP SUPPORT.** Talk to someone about your stress. In all the literature relating to stress reduction, this is the number one way to reduce stress. Having someone to talk to, whether a spouse, a partner, an associate, friend or mentor, is always very important. Many times we try to cope with a situation by handling it ourselves, or we don't want to burden somebody with our problems. There is something magical about taking stress that has been internalized and verbally expressing it outwardly. There is wisdom in the statement, "Get it off your chest." By verbalizing your stress to another, you release it. Try it and you will be amazed at the results.
12. **DEVELOP A STRESS MANAGEMENT PLAN.** Successful organizations usually operate from a business plan with short and long term objectives. Why shouldn't we do the same with something so important as our own lives? A personal stress management plan would consist of defining our roles, reviewing our values, and clarifying our goals. Develop a plan and then work the plan.



## ON-THE-JOB RELAXATION EXERCISES

### EXERCISE #1: DEEP CLEANSING BREATH

To begin each relaxation period start with taking a deep breath in through your nose. After inhaling, hold it for 3 to 5 seconds and exhale through your mouth expelling as much air as possible. Repeat this two or three times. As you take the deep cleansing breath focus on relaxing and imagine you are expelling the tension in your body.

### EXERCISE #2: HEAD ROLL

This exercise relieves tension in the head and neck area. After a deep cleansing breath, drop your head forward onto your chest and slowly roll your head to the right and then back, to the left, and then back to your chest again. You may repeat this exercise in the opposite direction, rotating to your left, back, over to your right, and then dropping your head down to the chest again. Allow yourself 15 seconds for each of these rolls.

### EXERCISE #3: SHOULDER ROLL

This exercise is good for relieving tension in the shoulder and neck area as well as the upper back. Plant feet firmly on the floor, in a relaxed position. Begin by rotating your shoulders forward toward the chest, lift up toward the ears, then back and then drop the shoulders down. Repeat this exercise by reversing the order: first start by pressing back, up toward the ears, and forward to the chest, and then back down to complete the circle.

### EXERCISE #4: SEAT ROWING

This exercise is good to relieve lower and general back stiffness. Seat yourself on a firm, stable surface. Plant feet firmly on the floor with legs stretched in front of you. Reach toward your toes with your hands outstretched. Pull back with your arms until your elbows are shoulder height, using a rowing motion. Hold the tension in your arms for 5 seconds and then release and let all of the tension drop from your shoulders and arms.

### EXERCISE #5: BACK STRETCHES

This exercise relieves back stiffness. Sit straight in a chair with your feet firmly planted. Cross your hands over your head, facing palms to the ceiling and stretching your palms toward the ceiling as you inhale. Gradually exhale, relaxing the arms allowing them to drop to your side.

### EXERCISE #6: BACK LEG AND BACK MUSCLE STRETCHES

Sit in a stable chair stretching your legs out directly in front of you, feet on the floor. Stretch your head to the knees with hands outstretched. Hold this position for about 3 seconds.

EXERCISE #7: FOREHEAD MASSAGE

This exercise will relieve tension in the facial and forehead area. Place the second and third fingers of both hands in the center of your forehead. Gently massage toward your temples moving fingers from the center of your forehead to your temples. Release the tension in your forehead as you pull your fingers outward. Gently massage the temples and focus on relaxing your face. After completing this, move your fingers up and down the bridge of your nose between your eyes and up over the center of your forehead over your eyebrows and toward your temples, lightly massaging the temples.

EXERCISE #8: HEAD/NECK MASSAGE

Place both hands on back of neck with thumbs facing toward spine. Move thumbs with slight pressure along back of neck vertically, then along base of skull to behind the ears. Repeat.

EXERCISE #9: HEADACHE RELIEVER

For tension headaches, pinch the area between thumb and forefinger with the thumb and forefinger of the opposite hand.

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*These exercises can be done at your desk, or on break, or after work at home, whenever you have a few minutes to relax yourself. These exercises should be combined with a total stress management program including diet, exercise and other stress management techniques to be most effective.*

Source: Exercises were adapted from an article by: Sharon Schneider, R.N., "Curing Burnout While You Work," Nursing Life, Sept. - Oct., 1982.

## Resources/Bibliography

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Richardson, Cheryl. *Take Time For Your Life*, Broadway Books, New York, NY. 1998.

## Stress Relief and Relaxation Techniques \*

### Progressive muscle relaxation for stress relief

Progressive Muscle Relaxation – Instructions for a procedure to relieve stress by tensing and relaxing muscle groups in your body. (American Lung Association)

Progressive Muscle Relaxation – In-depth look at progressive muscle relaxation, including suggestions for practice and a guide to the steps. (A Guide to Psychology and Its Practice)

### Meditation for stress relief

Mastering Your Own Mind – Describes the way the mind can be trained through meditation, leading to less stress, depression, and anxiety. (Psychology Today)

The Power of Om – Covers the mind-body connection and how meditation can have positive effects on physical and psychological health. (Boston Globe)

Deep Relaxation Audio Program – A 6-minute and a 20-minute program, read slowly in a soothing female voice, that you can listen to online. (Best of Health Online)

### Yoga for stress relief

Yoga – Introduction to the different types of yoga and how to begin practicing it. (Nemours Foundation)

Stress coping: Yoga – Covers the history of yoga, the different kinds, and tips for finding a teacher. (University of Pittsburgh Medical Center)

### Tai chi for stress relief

Stress Coping: Tai chi – Description of tai chi and its efficacy as a stress reliever. (University of Pittsburgh Medical Center)

Tai Chi for Health Purposes – Introduction to tai chi and its mental and physical health benefits. (National Center for Complementary and Alternative Medicine)

Tai Chi Benefits: How It Works – Detailed explanation of the energy theory behind tai chi and how it calms the mind and reduces stress. Also includes information about Qi gong. (Everyday Tai Chi)

### Massage therapy for stress relief

American Massage Therapy Association: Consumers – Learn how to get the most out of a massage and find a certified practitioner. (American Massage Therapy Association)

Massage: A Relaxing Method to Relieve Stress and Pain – Lists the health and stress relieving benefits of massage and what to expect when you get one. (Mayo Clinic)

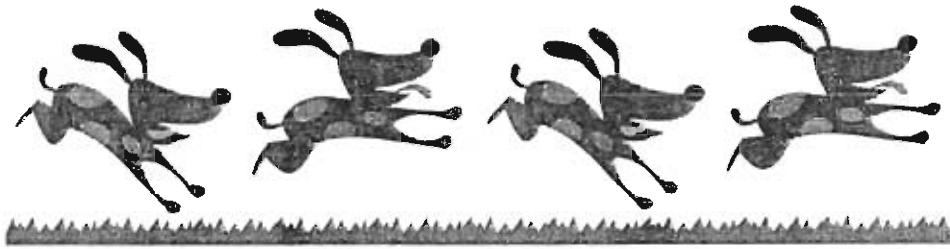
### Other stress relievers and reducers

A to Z of Stress Therapies – Guide to 14 stress relaxation therapies from aromatherapy to yoga. (StressBusting.co.uk)

Exercise: Rev up your routine to reduce stress – Explains the stress-relieving benefits of vigorous exercise. (Mayo Clinic)

\* Log on to: [www.HELPGUIDE.org](http://www.HELPGUIDE.org) Or, cut and paste the following to your internet browser:  
[http://helpguide.org/mental/stress\\_management\\_relief\\_coping.htm](http://helpguide.org/mental/stress_management_relief_coping.htm)  
A website for Stress Relief: Yoga, Meditation, and Other Relaxation Techniques.

## THINGS WE CAN LEARN FROM A DOG



1. Never pass up the opportunity to go for a joyride.
2. Allow the experience of fresh air and the wind in your face to be pure ecstasy.
3. When loved ones come home, always run to greet them.
4. Let others know when they've invaded your territory.
5. Take naps and stretch before rising.
6. Run, romp and play daily.
7. Eat with gusto and enthusiasm.
8. Be loyal.
9. Never pretend to be something you're not.
10. If what you want lies buried, dig until you find it.
11. When someone is having a bad day, be silent, sit close by and nuzzle them gently.
12. Thrive on attention and let people touch you.
13. Avoid biting when a simple growl will do.
14. On hot days, drink lots of water and lie under a shady tree.
15. When you're happy, dance around and wag your entire body.
16. No matter how often you're scolded, don't buy into the guilt thing and pout....run right back and make friends.
17. Delight in the simple joy of a long walk.



PROFESSIONAL LIABILITY FUND AND THE

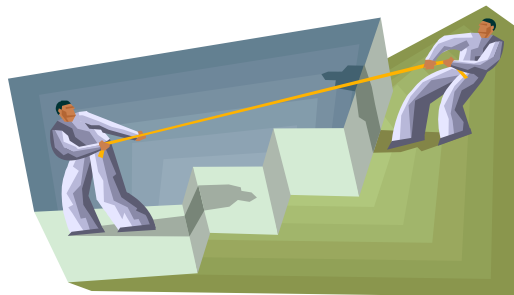


OREGON ATTORNEY ASSISTANCE PROGRAM

PRESENT

## Reducing the Pressure Lunchtime CLE Series

# Working with Difficult People



APRIL 23, 2008

PORTLAND BUILDING AUDITORIUM  
PORTLAND, OREGON

(Qualifies for 1 MCLE Credit – Practical Skills )



# MCLE FORM 1: Recordkeeping Form (Do Not Return This Form to the Bar)

**Instructions:**

Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in accredited CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

**Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.**

Name:		Bar Number:	
Sponsor of CLE Activity: OSB Professional Liability Fund			
Title of CLE Activity: Reducing the Pressure - Working with Difficult People			
Date: 4/23/2008	Location: Portland, OR, Portland Building Auditorium		
<input checked="" type="checkbox"/> <i>Activity has been accredited by the Oregon State Bar for the following credit:</i>  ___ General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. 1 ___ Practical Skills	<input type="checkbox"/> <b>Full Credit.</b> <i>I attended the entire program and the total of authorized credits are:</i>  ___ General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	<input type="checkbox"/> <b>Partial Credit.</b> <i>I attended _____ hours of the program and am entitled to the following credits*:</i>  ___ General ___ Prof Resp-Ethics ___ Prof Resp-E/B ___ Child Abuse Rep. ___ Practical Skills	

**\*Credit Calculation:**

One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

**Caveat:**

If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

### **Meloney Crawford Chadwick**

Meloney Crawford Chadwick is a graduate of Temple University School of Law (JD 1981). She was in private practice for two years, marketed WESTLAW products for eight years, and worked for several years in publishing as a writer and an editor. In recovery since 1988, Ms. Chadwick joined the OAAP staff in 1999. She is certified as an Alcohol and Drug Counselor both nationally (NCAC II) and in Oregon (CADC III).

### **Douglas S. Querin**

Douglas S. Querin is a graduate of the University of Oregon Law School (JD, 1971) and George Fox University (MA, in Counseling, 2006). He worked as a trial lawyer in private practice in Portland for over 25 years, at which time he left the practice to pursue a Master's Degree in Counseling. Doug is currently an Adjunct Professor with the Graduate Department of Counseling at George Fox University. He serves on the Board of the Oregon Counseling Association and has presented on mental health and counseling related topics at Portland State University, George Fox University, and at professional conferences throughout Oregon. Doug is a certified drug and alcohol counselor (CADC-I) and serves on the Ethics Committee of the Addiction Counselor Certification Board of Oregon. He joined the Oregon Attorney Assistance Program in 2006.



## Four Types of Difficult People

...That Lawyers Encounter, and  
*how to deal* With Them.



Meloney Crawford Chadwick, J.D., CADC III, NCAC II  
Douglas Querin, J.D., M.A., CADC I  
Attorney Counselors  
OAAP

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## Types of Difficult People Lawyers Encounter

- Difficult Clients
- Difficult Support Staff
- Difficult Lawyers
- Difficult Judges

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## Types of Difficult Clients

What makes a client difficult?



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## WHEN Do You Call A Lawyer?



Clients are Stressed, Fearful and Feeling out of Control  
They look to us for Solutions.

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## Recommendation: Listen



Provide Empathy and Understanding

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## Active Listening Techniques



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## Other Types of Difficult Clients

Needy  
Impaired: Mental  
Health  
Impaired:  
Substance Abuse  
Contentious



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## The Needy Client



Anticipate/Assess  
Clarify  
Reassure  
Set Firm  
Boundaries



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## The Impaired Client



Mental Health Issues

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## The Impaired Client

### Mental Health Issues

1. Intake : get the big picture
2. Know signs & symptoms:  
mood disorders, anxiety
3. Ask about medications

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## The Impaired Client



Substance Abuse

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## The Impaired Client

### Substance Abuse

1. Observe Physical Symptoms:
  2. Conduct Casual Interview:  
Ask about problems w/  
relationships, school or  
job, accidents, arrests
- **Then...** ask about  
substance use

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### Recommendations :The Impaired Client

1. Urge them to get help
2. Get a professional evaluation
3. Contract with client to get treatment and /or therapy

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### More Recommendations for Impaired Clients

- Do Not Argue or Confront a "red flag" client
- "Roll with Resistance"  
Emphasize how getting outside help will benefit *them*
- Use Concrete Terms in Plain English  
Talk slowly  
Ask the client to repeat OR rephrase what you told them

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### The Contentious Client



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Recommendations for  
The Contentious Client



Keep Communication  
Clear  
Get it in Writing

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Recommendations for  
The Contentious Client



Have a Written Fee Agreement  
Manage Expectations  
UNDER-promise  
OVER-perform!

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Recommendations for  
The Difficult Client



Terminate the Relationship

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Difficult Staff Members

What makes support staff difficult?



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Difficult Staff Members

What makes support staff difficult?



Is it THEM or...could it be ME??

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Staff Complaints About Difficult Lawyers

Putting Things Off Until the Last Minute



THEN...

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...Demanding Staff Drop Everything Else



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ALSO... Rude Lawyers, Aloof Lawyers, Grumpy Lawyers...



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HOWEVER,  
There Still May Be Staff Issues



OVERWHELMED



PERSONAL CONFLICTS

BAD ATTITUDE



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Recommendations for  
Dealing with Staff



Set Clear Expectations

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Recommendations for  
Dealing with Staff



Ask Questions, Listen !

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Recommendations for  
Dealing with Staff



Consider Remedial Measures

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Recommendations for  
Dealing with Staff



Provide for Accountability

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Recommendations for  
Dealing with Staff



Unexpected Kindness Goes A Long Way!

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REMEMBER, When Dealing with  
Difficult People, Be the Lawyer You  
Aspire to Be...



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*Instead of Someone's Stereotype!*



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Oregon Attorney Assistance  
Program

Meloney Crawford Chadwick,  
J.D., CADC III, NCAC II

Shari Gregory, MSW, J.D.

Mike Long, J.D., MSW

Douglas S. Querin, J.D., M.A., CADC I



1-800-321-OAAP

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Four types of difficult people lawyers encounter  
And how to deal with them

- I. Difficult Clients
  - A. Not functioning at their best when they first come in
    1. Under stress
    2. Fearful about outcome
    3. Feeling out of control
  - B. Solutions
    1. Active listening
      - a. repeat/rephrase back what they say
      - b. clarify
      - c. summarize
    2. Set appropriate/firm boundaries
    3. If client is impaired due to mental health/substance use issues:
      - a. urge them to seek help
      - b. get professional evaluation
      - c. stabilize on meds
    4. Terminate relationship if necessary.
  - C. After the fact
    1. Unhappy with result
    2. Fee Dispute
  - D. Solutions (generally in preparation):
    1. Clear communication—in writing
    2. Fee agreement
    3. Under promise/Overperform
- II. Difficult Staff
  - A. Is it you or Is it them? Make sure your side of the street is clear
    1. Staff complaints about difficult lawyers
      - a. putting things off until the last minute then demanding rush attention
      - b. Rude, Inconsiderate
      - c. Aloof
  - B. But there are difficult staff—
    1. not up to the task
    2. Immersed in personal matters

3. Issues between staff

C. Solutions (Many ways these are similar to strategies w/clients)

1. Kindness
2. Clear expectations
3. Boundaries
4. Remedial measures
5. Consequences

III. Difficult (Other) Lawyers

A. Opposing Counsel

1. Obstructionist
2. Abusive
3. Impaired

B. Solutions

1. Professionalism
2. Preparation
3. Boundaries
4. Documentation
5. Self Care
6. Consultation
7. Alternative Resources

IV. Difficult Judges (Note: "Exacting" or having high standards is not "Difficult")

- A. Abusive
- B. Not exercising control
- C. Impaired

B. Solutions

1. Professionalism
2. Preparation
3. Boundaries
4. Documentation
5. Self Care
6. Consultation
7. Alternative Resources

# Life at the Bar

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## Anger: Managing the amygdala hijack

One of my clients ("Bob") has had numerous bad experiences with opposing counsel. Over the last few years, he's felt more and more worn down by angry phone calls, disingenuous arguments, and general incivility.

(A sidenote: a question we addressed is whether Bob is really surrounded by opposing counsel out to gain some advantage by making him and/or his clients miserable. Viewed with a dispassionate perspective, the answer was no. The lesson? Always step outside your own life and observe. This perspective will let you recognize whether your day-to-day judgments are well-founded or whether they're being colored by something else.)

One opposing counsel ("Fred") was particularly nasty. Bob had been litigating against Fred for just over a year, and he had recognized that Fred's strategy was to make him angry. So, each time he had to interact with Fred, he braced himself and prepared for something outlandish. But there was one particular tactic that really drove Bob over the edge. The tactic itself doesn't matter — let's say it was being accused of unprofessional conduct — and each time Fred would use this tactic, Bob would become enraged. To his credit, he was able to manage that anger reasonably well, but enough was revealed that Fred knew he'd found the "right" weapon. All Fred had to do was use a few choice words, and Bob would become ballistic. He described a tingling sensation throughout his body, the awareness that his blood pressure had spiked, and great difficulty with remaining engaged on the topic at hand.

What Bob experienced is an "amygdala hijack." The amygdala is the "fight or flight" and emotional memory part of the brain. Its job is to protect by comparing incoming data with emotional memories. An amygdala hijack occurs when we respond out of measure with the actual threat because it has triggered a much more significant emotional threat. For instance, the amygdala will react similarly to the threat of being eaten by a tiger (physical threat) and the threat of an ego attack (emotional threat) by bringing on the fight or flight reaction.

When one experiences an amygdala hijack, the amygdala overtakes the neocortex (the thinking part of the brain) and there's little or no ability to rely on intelligence or reasoning. The effect is that energy is drawn exclusively into the hijack. The immediate result of a hijack is a decrease in working memory. Adrenaline is released and will be present and effective for 18 minutes, and other hormones are released into the bloodstream that will take 3-4 hours to clear.

Randy Chittum, an executive coach on the faculty of Georgetown's leadership coaching program, has recommended the following steps to deal with an amygdala hijack:

**Stop.** Stop whatever you're doing. Bob's strategy was to put the call on hold or to step out of the room for a minute; if that was impossible, he would go silent for a moment and identify for himself what had just happened. ("Ah, Fred just said again that I'm unprofessional.") This step keeps the neocortex engaged and can prevent the amygdala's takeover.

**Oxygenate.** Breathe deeply, with intention and purpose. This step also keeps the neocortex engaged.

**Strengthen appreciation.** It's difficult to have two emotional experiences at the same time, and appreciation counters the hijack. While it's especially effective to appreciate the source of the hijack (i.e., for Bob to appreciate Fred as a person, to appreciate his zealous representation of his client, etc.), any appreciation of anything will be helpful. Not surprisingly, Bob found it difficult to appreciate Fred, so he would instead think about his family and bask in his appreciation of his wife and children.

**Survey the landscape.** After the hijack, spend some time exploring what happened and why. Recognizing the trigger will allow you to avoid being triggered in the future. After recognizing that Fred tended to trot out the accusation of unprofessional conduct when he didn't get an extension or some other accommodation, Bob was prepared. He knew that his work had been successful when Fred one day expressed his surprise at Bob's lack of professionalism, and Bob was able to laugh and respond, "Come on, Fred, we both know that isn't true and isn't the point. Feel free to make your motion, but I can't consent to another delay in this case."

FROM: <http://lifeatthebar.wordpress.com/2007/05/11/anger-managing-the-amygdala-hijack/>

## GPSolo Magazine - October/November 2005

# Staying Civil

By Andrew C. Simpson

They make you want to quit the practice of law or, at the very least, to scream. Whether it's an uncivil attorney or maybe an overbearing judge, every jurisdiction has one. You know what you would do if you were 11 years old and on the playground, but how do you deal with discourtesy within the rules of our profession?

It is best to keep in mind Sister Elizabeth Kenny's admonishment, "He who angers you conquers you." Instead of letting anger conquer you, redirect your efforts toward understanding what motivates your antagonist. Once you isolate this, you can tailor a solution that fits your personality. As Sun Tzu said in the *Art of War*, "Know your enemy, know yourself; in a hundred battles you will never be in peril."

In my experience and from discussions with lawyers across the country, the most frequent motivation for injudicious behavior, by an attorney or a judge, is to control you. There may be other motivations, such as hiding incompetence or attempting to distract you from your goal, but incivility frequently is employed to gain the upper hand and, thus, control—of the trial outcome for opposing counsel, and of the courtroom itself for a judge.

When you are forced to deal with an attorney who refuses to play by the rules, the first emotion that usually arises is frustration that your opponent gets away with the behavior. The best antidote to this frustration is to maintain your perspective and your professionalism. Don't sink to their level, or you'll regret it later. This is particularly true if you understand that your opponent *wants* you to be angry. Under no circumstances let your anger show. How many times have we heard a parent admonish a child, "Ignore him, he's just trying to get a rise out of you"? The rules we learned in kindergarten apply in adulthood. Understanding that counsel is trying to control your emotions should help you do so instead.

Of course, advice to ignore your opponent's antics is easier to give than follow. Furthermore, you shouldn't completely ignore such behavior. Although you do not want your opponent to know that the conduct bothers you, it is important to document the tactics in order to manage and gain eventual control over the offensive behavior. I was once in a deposition where the opposing counsel repeatedly shouted (*screamed* is more accurate) at both the witness and me. When I asked that the record reflect that opposing counsel was shouting, his response was, "I have not raised my voice." Fortunately, I had realized that the court reporter was using a tape recorder as a backup to the stenographic record, so I calmly responded by making the cassette tape an exhibit to the deposition.



Suddenly, the level of decorum in the deposition was restored. I had not only controlled counsel's behavior but also served notice that such behavior did not ruffle me.

Offensive conduct during a deposition can be easily controlled by videotaping the proceedings. Few things will influence an out-of-control attorney more than the fear that the judge will see that behavior. And videotaping does not have to be an expensive proposition. The federal rules and most state rules allow a deposition to be taken by video but do not specify that the video must be made by a professional, such as a court reporter. As long as your notice of deposition specifies that it will be videotaped, you can set up your own video camera and record the proceedings.

Of course, there are the tantrum telephone calls or, worse, phone calls that are followed by letters that "confirm" things that never occurred in the conversation. If you are in a state that allows recording of telephone conversations with one-party consent, there is no better way to control the situation than to record the phone calls. Even in a state where both parties must consent to recording, "automated attendant" telephone systems allow you to state in your outgoing message that "calls may be recorded and your continuation of the call constitutes your consent to recording." You then have no need to surreptitiously record the call—your opponent's "consent" gives you control over the situation and your opponent.

At some point, you may find it necessary to bring opposing counsel's behavior to the attention of a judge or ethics committee. In most cases, you should not run to the authorities with a single instance of bad behavior by your opponent because you risk being perceived as thin-skinned. (In some instances, however, you may be ethically obligated to report a single instance of misconduct. See the sidebar "Ethical Responsibilities" on page 33.)

When you do find it necessary to report counsel's behavior, your hand is strengthened if you have properly documented the situation; then you can show a pattern of ongoing misconduct rather than a one-time conflict between two advocates. Therefore, save the missives that opposing counsel faxes to you, along with any recordings from telephone conversations, *ad hominem* attacks in pleadings, deposition transcripts/videos, and relevant e-mails; also ensure that your filing system will allow you to easily retrieve the information. Before taking any official action, it's also a good idea to talk with other members of the bar. Being able to show that other members of the bar have encountered similar unprofessional behavior by this lawyer reduces the likelihood that your complaint will be minimized or ignored as simply a clash of personalities between you and your opponent.

Because you are on equal footing with opposing counsel but not when dealing with a judge, your strategy for dealing with judicial incivility must differ. Standing up to a difficult judge can be more intimidating than standing up to an unprofessional colleague, but you actually may be at less of a disadvantage with the judge. Most dealings with judges are on the record and almost always in the presence of other witnesses. As a general rule, these factors help moderate intemperate behavior on the bench. But what

about the judge who is professional but grandiose? A judge can be intimidating without crossing the line into improper behavior. Indeed, the whole purpose of seating a judge on a raised dais above everyone else in the courtroom is to create a grand aura of power.

Whether a judge is merely intimidating or intentionally aggressive, your solution is the same: Know the court rules, know the judge's rules, and play by both. When the judge's rules are in conflict with the court's rules, you generally will need to assert yourself; if you know the rules, you will know when it's safe to do so.

Often, a judge's intimidating presence is simply an effort to control the pace of proceedings. Recently, as I was picking a jury for a civil trial, the trial judge told counsel, "It is my practice to pick eight jurors and allow all eight to serve; but if you want two to be alternates, I'll let you do that." By statute in our jurisdiction, however, a civil jury consists of 12 jurors unless the parties agree to a lesser number. According to how the jurors were ordered in the jury venire, those more favorable for my client were deeper in the pool; a 12-person jury gave me a fair chance at getting a few more favorable jurors in the box. So I pointed out the statute that specified 12 jurors. The judge agreed that was what the statute said but again mentioned "my practice. . . ." I stood my ground, and the judge amiably agreed that we would have 12 jurors.

I suspect that the reason the judge mentioned his "practice" was to enable a short jury selection and less expense to the court; had I agreed to his practice, I would have waived any error in selecting only eight jurors. The judge did nothing wrong in trying to direct me toward agreeing to eight jurors; had this been my first jury trial, I probably would have been intimidated into going along with it. Because I knew the rules, I could comfortably stand my ground. What would I have done if the judge refused to give me 12 jurors? I would have made sure that my objection was noted on the record and proceeded to trial, comfortable in the knowledge that my client now had two bites at the apple—we would certainly be awarded a new trial if the first one went badly. As in dealing with unprofessional attorneys, the key would be to make a good record of my objection.

Judges use an imposing presence to intimidate lawyers into not objecting all the time. Again, this usually is not improper, but when it is, the attorney must make the record. For example, the judge might tell a lawyer at sidebar, "Do you realize that all of these objections are alienating the jury?" Or the judge might say from the bench, "Counsel, I have already overruled that objection, let's move on." If you are satisfied that your objection is valid (e.g., you know the court's rules), make your objection. Ask that the court note your continuing objection to the line of questioning, or the use of the particular document, or whatever happens to be the subject of your objection. This meets your need to preserve the record while addressing the judge's desire to keep the trial moving forward. If the judge will not give you a continuing objection, however, you will need to steel yourself and keep repeating it. Each time the judge shows frustration, calmly remind the court of your obligation to make a record to protect your client's rights, and of your renewed request for a continuing objection.

In rare instances, you may encounter a judge whose behavior clearly crosses the line. How you respond to injudicious treatment depends upon how it affects your client and the profession. If a judge throws a temper tantrum at a lawyer, the best thing for the client might be for the lawyer to apologize or silently grin and bear it. (The fraternity pledge scene from *Animal House* in which the pledge is spanked and says, “Thank you, sir, may I have another?” comes to mind.) A clear understanding of the judge’s rules (as opposed to the court’s rules) often may serve you best in this situation. I once stood openmouthed as opposing counsel was placed in handcuffs and charged with contempt because he repeatedly interrupted the judge. I knew from experience that this judge had a pet peeve about counsel who interrupted either the judge or opposing counsel. The judge had admonished my colleague at least three times not to interrupt, but the admonishment clearly had not registered. The judge threatened him with contempt if he did not stop interrupting, but he still did not get the message and, with the next interruption, found himself in handcuffs. The judge’s reaction could be called heavy-handed, but, to a certain extent, counsel brought it upon himself. First, he did not find out about the judge’s rules. Second, when he found himself in trouble, he tried to argue with the judge, denying that he was interrupting instead of apologizing or grinning and bearing it. And he interrupted the judge in the process!

Occasional incivility from a judge may have to be tolerated; if it is a routine matter, however, you can raise it with the appropriate governing body for the judge. (See the sidebar “Judgmental Judges” on page 34.) If the level of judicial hostility rises to the point that you believe it affects the fairness of your client’s claim for justice, make a motion for recusal. Generally, the judge’s dealings with your client’s case will not create a basis for recusal—if the judge concludes from the evidence that your client is not a particularly nice person, this is not a reason for recusal.

If the judge’s behavior toward your client gives rise to the appearance of impropriety or a lack of impartiality in the mind of a reasonable member of the public, however, you have good grounds for recusal. As in dealing with a wayward attorney, be sure to maintain good records to support the claim. There must be a compelling, well-documented argument for recusal because, in most jurisdictions, the motion to recuse must first be raised with the offending judge. A poorly supported motion to recuse creates a risk that the motion will be denied, leaving you stuck in front of a judge whom you have publicly accused of bias. Accordingly, the motion to recuse should be brought only if you are reasonably confident that an appellate court, reviewing the record under the appropriate standard of review (usually abuse of discretion), will conclude that the judge’s decision not to recuse was in error.

Dealing with the civility-challenged attorney or judge is rarely pleasant. Understanding the motivation behind the conduct will help you master your emotions so that you can deal with the behavior and obtain a better result for your client. If you lose your cool, however, you lose control—and your opponent will profit.

## **Ethical Responsibilities**

The rules of professional ethics for most jurisdictions require that an attorney who is aware of specific ethical breaches by lawyers and judges report those breaches. The ABA Model Rules of Professional Conduct specify that the report should be made to the “appropriate professional authority.” Individual jurisdictions may provide more specific guidance as to whom the report should be made. The lawyer’s failure to report a violation where it is required is itself an ethical violation that can lead to discipline against that attorney.

Whether the violation reaches a level that requires reporting varies by jurisdiction. For example, although ABA Model Rule of Professional Conduct 8.3 imposes the duty to report only when the ethics violation raises a “substantial question as to that lawyer’s honesty, trustworthiness, or fitness,” some states delete the word “substantial” from their version of Rule 8.3, thereby expanding the reporting requirement. Thus, when documenting an opponent’s or judge’s transgressions, take care to avoid one of your own.

## **Judgmental Judges**

Did the judge in your case actually cross the line? How do you go about reporting unethical actions by a judge? The answers to both questions are jurisdiction-specific. The following websites will provide information for a wide variety of circumstances.

- ABA Model Code of Judicial Conduct, [www.abanet.org/cpr/mcjc/mcjc\\_home.html](http://www.abanet.org/cpr/mcjc/mcjc_home.html).
- ABA Center for Professional Responsibility, [www.abanet.org/cpr/links.html](http://www.abanet.org/cpr/links.html), lists the judicial ethics rules for each state, with links where available.
- American Judicature Society, [www.ajs.org/ethics/eth\\_conduct-orgs.asp](http://www.ajs.org/ethics/eth_conduct-orgs.asp), offers a directory of the organizations in each state that deal with complaints about judges; [www.ajs.org/ethics/eth\\_fed-jud-conduct.asp](http://www.ajs.org/ethics/eth_fed-jud-conduct.asp) describes the process for filing a complaint against a member of the federal judiciary.
- Code of Conduct for United States Judges, [www.uscourts.gov/guide/vol2/ch1.html](http://www.uscourts.gov/guide/vol2/ch1.html), lists and discusses the approved canons, with commentaries.

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## Dealing with Difficult Opposing Counsel Before Trial

By Ky Fullerton

AAs my great-grandmother used to say: "There's a bad apple in every batch." Unfortunately, the same is sometimes true of the legal profession today. While the vast majority of lawyers abide by court rules, behave in a professional manner, and seek to resolve disputes as efficiently as possible, every young lawyer will eventually be faced with an adversary whose pretrial conduct crosses the line of zealous advocacy and is below the standard expected of an officer of the court. What should a young lawyer do in this situation? There is no single solution to this dilemma, but the following tips will help the young litigator protect his client's interests and perhaps even turn less-than-stellar behavior by opposing counsel to the client's advantage.

**Help! I can't get over the stone wall.** Dealing with opposing counsel who simply refuses to respond to your attempts to discuss discovery issues is extremely frustrating. If you find yourself in this situation, keep a careful record of your efforts to reach your adversary. (One of the easiest ways to do this is to make specific entries in your daily time records.) You will need this record if you ultimately seek relief from the court, especially if the matter is of the kind the court expects counsel to resolve amongst themselves. Indeed, more and more courts are requiring counsel to confer on most, if not all motions, before filing. See, e.g., Local R. Practice D. Or. 7.1(a) (requiring parties to confer on all motions before filing, including dispositive motions). Leave a voicemail asking to confer on the matter and if you receive no response, follow up with a letter or e-mail summarizing your efforts to confer and desire to resolve the issue without court intervention. If you must involve the court, your odds of success are higher when you have made a good-faith effort to confer with opposing counsel regarding the issue in dispute.

**Where are the documents?** You have diligently served a request for production of documents. On the due date for opposing counsel's response, she faxes you a response stating that "documents will be made available for inspection at a later date." Two months then pass and, despite several requests, you still have not seen or received access to a single document. In this case, do not be afraid to file a motion to compel production. Although judges generally have no desire to get involved in discovery disputes, they have even less patience for parties who abuse the discovery process or refuse to timely turn over discoverable documents. Tell opposing counsel in writing that you will file a motion to compel on a certain date if you do not receive the requested documents before then. Usually the prospect of a motion to compel will result in production. If you ultimately must file a motion to compel, consider asking the court to award your client attorney fees if the documents sought are clearly discoverable.

**What does it take to schedule a deposition?** Courts expect counsel to confer



before scheduling depositions. But all too often a request for deposition availability is met with silence. If you do not receive a response within a week or so, issue a notice of deposition with a cover letter recapping your efforts to confer and asking opposing counsel to provide alternate dates if the date in the notice is inconvenient. This practice is usually effective. Few lawyers will risk a dismissal or other sanctions that could result from failing to appear at a properly noticed deposition. If opposing counsel attempts to cancel a deposition at the last minute without good cause, immediately inform him or her that you intend to conduct the deposition unless the court issues a protective order.

**I've scheduled the deposition, but opposing counsel is interfering with my ability to depose the witness.** You finally have the deponent in a conference room and start your deposition. Almost immediately, opposing counsel begins to behave inappropriately, including instructing the witness not to answer questions that are clearly proper, making lengthy speaking objections, and coaching the witness. First and foremost, politely but firmly stay in control of your deposition. Make sure that opposing counsel's improper behavior is part of the record in case you need to use it later. (A related tip is to always hire an experienced and knowledgeable court reporter.) For example, if opposing counsel writes notes or whispers to the witness during questioning, you might preface the next question by saying, "I noticed that your attorney passed you a note while you were answering the last question . . ." If opposing counsel's behavior is particularly egregious, state on the record that you will ask the court to intervene if necessary. Often this threat is enough to stop improper behavior during depositions.

**To strike or not to strike?** Another frustrating event is when opposing counsel waits until the eve of a hearing to file a response to your motion, thereby precluding you from filing a reply brief before the hearing. When faced with an untimely response, immediately file, if possible, a reply that also contains a motion to strike the offending pleading. If a party's late filing raises issues that simply cannot be addressed in a short timeframe, consider moving the court to delay the hearing to give you time to file a reply. The fact is, however, that most judges will still consider untimely submissions. Thus, before spending large amounts of time and money preparing a motion to strike, investigate whether the court is likely to grant such a motion. Ask colleagues in your firm how lenient your judge is with late filings. Also consider the practical impact of the motion to strike. Will the motion to strike, if successful, materially affect the court's ruling on the underlying motion? If the answer is "no," your time (and your client's money) will be better spent addressing the merits of the underlying motion.

**An informed client is a happy client.** The behavior of opposing parties and counsel has a tremendous impact on the cost of litigation. Tell your client early on if you think opposing counsel's conduct will result in increased costs. For example, if your adversary routinely refuses to produce documents or make parties available for deposition, advise your client that additional motion practice (and attorney fees) will be required. Keep in mind that clients do not like surprises—especially surprises on their bill.

**Don't be afraid to ask for help.** Seek out more experienced lawyers for advice on dealing with difficult opposing counsel. Chances are someone in your firm has encountered your adversary and will have seen his tricks before.

**Keep your standards high.** Finally, the overriding temptation, especially for young litigators, is to respond to unprofessional behavior in kind. Don't fall into this trap. Judges look with favor upon lawyers who conduct themselves in precisely the opposite manner. If your opponent routinely misses court deadlines, make sure you file everything on time. If your opponent refuses to produce documents in a timely manner, produce documents with your discovery response on or before the due date. Most judges are aware of lawyers who lack professionalism and respect for court rules. Maintaining high standards in spite of opposing counsel's misdeeds will keep you in the court's good graces and pay dividends for your present and future

clients.

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Mr. Fullerton is an associate in the Portland, Oregon, office of Miller Nash LLP. He has served as vice-chair of the Litigation Committee of the American Bar Association Young Lawyers Division and is the managing editor of the ABA's Trial Evidence Journal.

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## Dealing With Difficult People: Lawyers & Judges

### I. Introduction

#### II. The Problem: Difficult (Opposing) Lawyers

##### A. Identifying the Problem

- In Order for us to “Deal” w/ it → Need to know:
  - What is *Incivility*?
  - Is it a Problem? Why? Reasons?
  - What does it Look Like?
  - Finally - How to Deal w/ it?
- Defining *Incivility* - Adjectives
- Is this a Problem?

##### B. 2006 ABA Survey - Variety of Topics

- Q: “Lawyers have gotten less civil to each other over time”
- 70% Agreement
  - Youngest – 50%
  - Older Practitioners - 75%
  - > Yrs = Agreement
- Other Survey Findings w/ Relevance
  - 80% - Litigation Cost, Prohibitive
  - 75% - > Competition
  - 60% - Decline of Client Loyalty

##### C. Where is *Incivility* Most Problematic w/in Profession?

- Primarily in Litigation, Civil & Criminal
- Venues where Fault is Assessed; Zero-Sum Mentality

##### D. Looking at the Decline of Civility

- ABA & State Bar Associations → Task Forces & Commissions
  - Studied the Issue & Made Recommendations
  - Some State & Local Bars – Enacted Rules Deal w/ Problem
  - The Reality: Hard to Legislate Civility

- Suggested Reasons for Increasing Incivility
  - Increased numbers of Lawyers; Consequences:
    - Lack of On-Going Relationships
    - > Competition
  - > Pressures of the Practice (E.g., Billing Requirements)
  - High Cost of Litigation
  - View of Law as a Business, rather than a Noble Profession
  - Increased Stress of Life, Exacerbated - > Technology
  - More “Hot Button,” Socially Controversial Issues

### **III. Dealing With the Difficult (Opposing) Lawyer (4 Types)**

#### **A. Obstructionist Lawyer**

- Adversarial Nature; Argumentative
- Takes “Zealous Representation” to Extreme
- Delays/Refuses Legitimate Discovery Request
- Engages in Deposition Misconduct:

#### **B. Recommendations – Dealing w/ Obstructionist Opposing Lawyer**

- First Rule: Always Be Professional; Maintain Integrity
  - Instinct it to Respond in Kind
- Do’s & Don’ts of Interpersonal Contact
  - Don’t engage in Caustic Communications
  - Don’t be Unnecessarily Threatening
  - Don’t Respond in Kind - Be Respectful
  - Be Clear & Concise in Communications
  - Be Accurate in Confirmation Correspondence
  - Offer to Reasonably Accommodate
  - Triage your Responses
  - Consider Videotaping Depositions
- Consider Personal Meeting to Discuss Issues
- Document precisely all Efforts & All Responses
- Know the Law; Rules of Evidence
- Alert Your Legal Staff
- Consult with Colleagues
- Promptly Follow Through
- Remember: Courts Do Not like Discovery Squabbles
- If Involve Court, be Sure your Position is Sound

### C. Rambo Lawyer

- Different than Obstructionist; although may Obstruct
- Rambo-Type Philosophy of Life & Dealing with Others
  - Personal Investment in Winning/Losing
  - Must Feel in Control
  - They Don't Pick Battles; Everything is a Battle
- Energized by Misperceived Behavior of Others
- Only way to Win: Take No Prisoners
- Actions are Automatic; Motivated at Unconscious Level
- Can make Others Miserable
  - Justify Actions: "Zealous Representation"
  - Difficult to Reason With
  - Stipulations are viewed as "Concessions"
- Unfortunately, they can be Reinforced by their Clients

### D. Recommendations – Dealing w/ Rambo Lawyer

- First Rule: Always be Professional
  - Rambo Does Not Respect Professionalism
  - Tend to Overreact When Feel Disrespected
- Do's & Don'ts of Interpersonal Contact
  - Don't Respond in Kind
  - Don't Ignore Inappropriate Behavior
  - Don't make Idle or Unnecessary Threats
  - Model Professional Behavior
  - Be Proactive – Establish Collaborative Relationship Early
  - Be Reasonable and Accommodating
  - Keep Communications Firm & Respectful
- Goal: Avoid Irrational and Costly Reactivity
- Remember: Reasonableness Serves your Client's Interests
- Document all Contact & Communications
- Alert Staff to Relevant Issues
- Consult with Colleagues
- Self Care

### E. Abusive Lawyer

- This Lawyer has Difficulty Controlling Behavior; Personality Trait
- Can also be Obstructionist or Rambo-type
- Overriding Characteristic is Abusive Personal Interactions
- Adjectives: Screamer, Angry, Vulgar, Insulting, Personal Attacks
- Often Feels Insecure
- Quick to Perceive Sights; Easily Triggered
- Hard to Predict Behavior
- Generally has a Reputation
- Can be more Appropriate when Feels Respected

### F. Recommendations – Dealing w/ Abusive Lawyer

- 1<sup>st</sup> Rule: Always be Professional
- Challenging, because the Conduct is Offensive
- Do's & Don'ts of Interpersonal Contact
  - Do Not Retaliate; Seek to Defuse Situation
  - Do Not Personalize the Misconduct (It's Not You!)
  - Do not Ignore Abusive Behavior
  - Address the Misconduct in Neutral Environment
- Document – on the Record or by Letter
- Consider Videotaping Depositions
- Alert Staff to relevant Issues
- Consult with Colleagues
- If Conduct Continues, Be:
  - Specific & Firm About Intentions to Involve Court
  - Be Clear about Exactly What the Consequences will be
  - Follow through
- If Involve the Court, be sure you have Solid Grounds

## G. Impaired Lawyer

- Types of Issues: Mental Health, Substance Abuse, Both
  - Clinical Depression & Anxiety → Failure to Respond
  - Personality Disorders → Sporadic Incivility & Unresponsive
  - Substance Abuse → Disorganized & Unresponsive
- Conditions: Unpleasant & Unprofessional; Typically Not Abusive
- Can be Frustrating to Deal with

## H. Recommendations – Dealing w/ Impaired Lawyer

- 1<sup>st</sup> Rule: Always be Professional
- Do's & Don'ts of Interpersonal Contact
  - Do Not Assume Understanding or Agreement
  - Do Not Assume Ability to Remember Conversations
  - Do Not Assume Competency
  - Do Not Assume Familiarity with Case
  - Be Alert for Signs of Impairment
    - Sporadic Mood Swings
    - Over-Reaction to Criticism
    - Angry Outbursts
    - Changes in Personal Appearance
    - Unresponsive to Scheduling Deadlines
    - Failure to Meet Deadlines
    - Failure to Respond
    - Missed Court Appearances
  - Be Clear and Concise in Communications
  - Confirm Verbal Communications
  - Consider Expressing Concerns Directly to the Lawyer
- Document All Activity
- Avoid Appearance of Taking Advantage
- Ethical & Professional Dilemma
  - Opponent's Client is Not Being Represented
  - Consider Discussing Situation with your Own Client
- Consult with Others
  - Colleagues
  - OAAP; It's Confidential

#### IV. Dealing With the Difficult Judges

##### A. Personal Experience & Observation regarding the Judiciary

- Vast majority of Judges are Very Competent
- Vast Majority Rigorously Abide by Judicial Rules of Conduct
- Some are more Experienced than Others (and they know it)
- They Hold the Integrity of the Position in High Esteem
- In 30 years:
  - Never Personally Experienced “Abusive” Judge
  - Have Heard of only a couple of Problematic Judges

##### B. A “Difficult” Judge is *Not*:

- A Judge with High Standards or Expectations
- A Judge with an Intimidating Presence
- A Judge who is Meticulous
- A Judge who is Concerned with Schedule & Docket
- A Judge who “Runs a Tight Ship”
- A Judge who Expects Punctuality
- A Judge who Expects Adherence to Procedural Rules
- A Judge who Expects Adherence to Local Court Rules
- A Judge who Expects Adherence to Rules of Evidence

##### C. Thoughts Regarding Dealing with Judges

- 1<sup>st</sup> Rule: Always be Professional
  - No Judge Tolerates Disrespect; Words or Actions
  - Know the Difference between:
    - Presenting an Argument *to* a Judge
    - Arguing *with* a Judge
  - Know When it is Time to Stop; Make your Record
  - Be Respectful to Opposing Counsel
- If you feel that a Judge has been Abusive to you:
  - Do Not be Reactive or Reply in Kind
  - Consider approaching the Judge at a Later time
    - Discuss a “Personal Matter”
    - Avoid Appearance of ex parte Contact
    - Can be on the Record

- If Judge is Not Well Informed on the Law
  - Lawyer's Job is to Help Inform the Judge
  - Assume Responsibility for Not Sufficiently Informing Judge
  - Ask Permission to File Supplementary Brief/Memorandum
- Be Sensitive to Judge's Scheduling & Docketing Concerns
- Be Prepared:
  - Know your Case – Demonstrates Respect
  - Know the Law – Demonstrates Respect
  - If Unfamiliar w/ Judge, Learn about Her
  - Know Local Court Rules & Judge's Own Rules – Respect
  - Be Aware that Your Work Product is a Reflection of You
- Some Things to Remember:
  - Judges are Human; They have Good Days & Bad Days
  - Judges have Personal Professional Stresses, too
  - Respect Begets Respect
  - Well-Prepared Brief, Argument, Trial Demonstrates Respect
  - The Judge's Staff is an Extension of the Judge
  - Judges have their Opinions of Lawyers

D. Judges that may have an Impairment

- Mental Health or Substance Abuse
- Generally, the Staff &/or Other Judges are Aware
- We have a Professional Responsibility to Bury our Heads
- Consider Contacting OAAP. It's Confidential



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# **Financial Strategies for Managing Debt**



APRIL 30, 2008

PORTLAND BUILDING AUDITORIUM  
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**Brent Petty**

Brent Petty is a senior investment advisor at Northwest Capital Management, Inc. (NWCM) located in Portland, OR. NWCM provides independent advisory and consulting services to private clients, corporate and governmental retirement plans, and foundations and endowments. As a partner with the firm Brent is responsible for client relations, portfolio management, and investment policy design. A graduate of Northern Arizona University, he is a Certified Retirement Plan Specialist and is a member of the National Association of Government Defined Contribution Administrators (NAGDCA) as well as the Orange County and Phoenix Chapters of the Western Pension & Benefits Conference.

# Financial Management for Lawyers with Debt

Lunchtime CLE Series

Brent Petty  
Northwest Capital Management, Inc.  
503.597.1641

# Overview

# Student Loan Burden

A recent study by Mathew Greenwald Associates of 1,500 college graduates between the age of 22 and 35 found:

- 44% said they delayed buying a house
- 28% said they postponed having children
- 27% skipped medical or dental procedures
- 32% said their loans forced them to move back in with parents or live there longer than expected
- 2004, the cumulative debt of public law school graduates exceeded \$57,000
- 2005, Median public interest law starting salary was \$40,000.

## Burden (cont.)

- Students graduating with loans are getting a crash course in budgeting debt repayment- an area they probably did not study in school
- Efficient management of debt early in a career can have a substantial impact on long-term savings and asset accumulation.
- Lawyers, unless fortunate enough to secure high income salaries directly out of school, typically have high student debt to income ratios.

# Debt

# Debt- It's not a dirty word?

- Debt is a tool. Like any tool, when used correctly, can provide value. Conversely, when used inappropriately, can have tremendous negative consequences
- Student loans are an investment in human capital. You!
- The investment makes sense for many. Typically the increased earning potential has a break even point in the early thirties for undergraduate work.

# Corporate Finance Meets Personal Finance

- Very few corporations operate entirely debt free
- Debt is used as a cash flow tool with the idea of maximizing long term return on equity
- Managing personal cash flow is the key to:
  - Repaying student loans
  - Paying rent
  - Purchasing homes and vehicles
  - And saving for retirement



# Strategies for Managing Student Debt

# Psychological Aspect

- Carrying personal debt can be an emotional burden
- Most anxiety stems from the unknown
  - What type of salary do I need to make?
  - How long is it going to take to pay off these loans?
  - Can I afford a new vehicle?
  - Can I afford a home?
- The negative stigma of developing and living within a personal budget.
- Solution: Take charge of your situation!

# Understanding Your Situation- Get Informed

Gather Your Information (National Student Loan Data System)



Determine whom you have borrowed from



Understand the terms of your debt



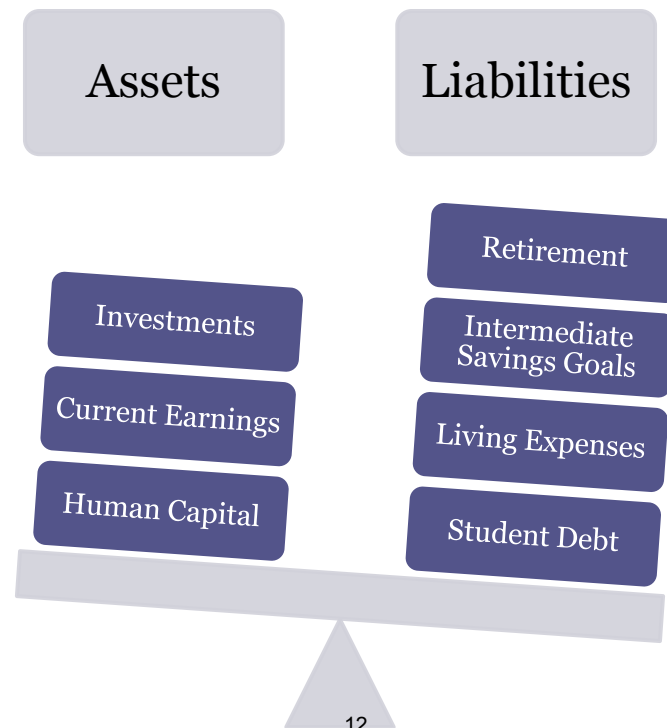
Do you know your principal loan amount? Interest rate(s)? Fixed or variable interest rate? Length of loan? Is the loan(s) subsidized or unsubsidized? Monthly payment(s)?

# Consolidation

- Consolidating student loans makes sense for many
- Reduces the burden of managing several creditors
- Typically reduces the minimum monthly payment
- Potentially reduces the overall interest rate on debt. Replace variable rates with fixed
- May not be the best solution for forgiveness programs

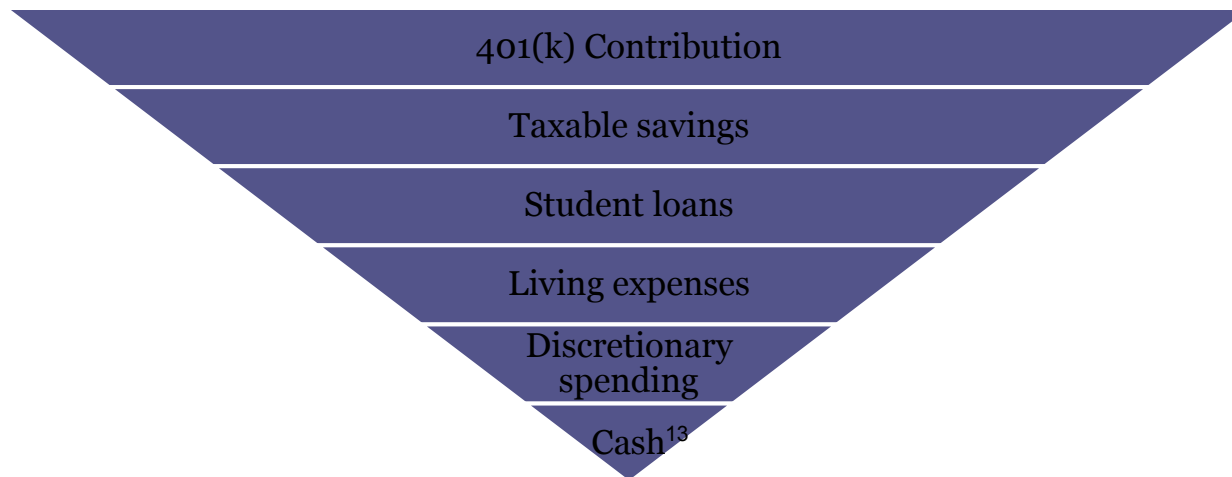
# The Balancing Act: Cash Flow and Time

- The cash flow juggling act consists of the following:



# Create a Plan

- Draw a line in the sand: I will have my student loans paid of in 7-10 years
- Build a budget around this timeline
- Get into the habit of paying yourself first



# Loan Payback Programs

# Loan Repayment Programs

- Income-Contingent Repayment (ICR)
- Income-Based Repayment (IBR)



# Income-Contingent Repayment: ICR

- Congress created ICR to enable graduates, with high educational debt, to take lower-paying community service or public service jobs
- ICR limits annual loan repayment obligations to an affordable percentage of borrowers income
- Any remaining debt after 25 years is forgiven
- Alternative repayment option can be elected at anytime

# Income-Based Repayment: IBR

- IBR was proposed as part of the College Cost Reduction and Access Act of 2007. Becomes available July 2009
- Similar to ICR plan, with the following differences:
  - Formula used to calculate payments provides lower payments
  - Government pays any unpaid interest on subsidized portion of loan for up to three years after IBR election

# Loan Forgiveness Programs

# Loan Forgiveness Programs

- ICR and IBR programs will forgive remaining debt after 25 years
- Public sector service loan forgiveness program will discharge remaining debt after 10 years (120 payments).
- Borrowers may consolidate into Direct Lending in order to qualify for program starting July 2008
- Programs work best for High Debt to Low Income situations

# Loan Chart

Cancellation Condition	Federal Stafford Loans*	Federal PLUS Loans (for Parents or Graduate Students)*	Federal Perkins Loans	Federal Consolidation Loans* **
<a href="#">Child Care Provider</a>	X			
<a href="#">Closed School</a>	X	X	X	X
<a href="#">Death</a>	X	X	X	X
<a href="#">Disability</a>	X	X	X	X
<a href="#">Education Component of Head Start Program Staff Member</a>			X	
<a href="#">False Certification by School</a>	X	X		X
<a href="#">False Certification due to Identify Theft</a>	X	X		X
<a href="#">Law Enforcement or Corrections Officer</a>			X	
<a href="#">Nurse or Medical Technician</a>			X	
<a href="#">Professional Provider of Early Intervention Services for the Disabled</a>			X	
<a href="#">Public or Non-Profit Child or Family Services Agency Employee</a>			X	
<a href="#">Public Sector Employees</a>	X***	X***		X***
<a href="#">Spouses and Parents of September 11, 2001 Victims and Public Servants</a>	X	X	X	X
<a href="#">Teacher Forgiveness</a>	X		X	X
<a href="#">U.S. Armed Forces</a>			X	
<a href="#">Unpaid Refund</a>	X	X		X
<a href="#">Vista or Peace Corps Volunteer</a>			X	

\* Subsidized and unsubsidized Federal Stafford Loan, Federal PLUS loan (for parents or graduate students), and Federal Consolidation Loans eligibility is the same for the Federal Family Education Loan Program and the Federal Direct Loan Program, except where noted.

\*\* Only a portion of a Federal Consolidation Loan may be eligible for cancellation, forgiveness, or discharge.</>

\*\*\* Available for Federal Direct Loans only (not Federal Family Education Loans)

# Closing Comments

# Action Plan

- Gather all your loan information
- Analyze which payment programs might be advantageous
- Develop a repayment plan
- Establish a “freedom” budget
- Pay yourself first
- Balance near term gratifications against your long-term strategic plan.

# Resources

- The Wealthy Barber, David Chilton
- Free Excel Household Budget Template:  
<http://office.microsoft.com/en-us/templates/TC101884081033.aspx?pid=CT101172321033>