

"Reducing Attorney Stress with Dynamic-Action; the Audio Course." © 2010 Robert A. Barasa
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PARTICIPANT OUTLINE

*"Practicing law may be the most stressful profession there is...
exceeding even physicians and commercial airline pilots..."*

(See American Bar Association, abanet.org)

AUDIO DISK-ONE: "Causes of Stress"

Chapter-1: "Highlights & Objectives"

"There's no doubt about it, "stress" is a major component of practicing law.

High levels of stress are responsible for a variety of health issues, including, depression, physical ailments and addictions.

According to many lawyers increased stress is also causing, greater incidents of incivility and ethics-violations within the legal profession.

The need for effective stress management is undeniable.

Introduction of Issues and Objectives:

In this audio seminar, you'll examine critical issues impacting effective stress management. Then, they will outline the consequences of stress on the individual attorney and on the reputation of the profession.

You'll scrutinize numerous stress management techniques and methodologies.

Finally, you will share all the valuable perspectives and ideas of the participating attorneys along with all the humor and camaraderie of the live seminar.

This CLE audio program introduces a brand new stress management technique which is uniquely suited for today's dynamic attorney. Share the experience as the participating attorneys try-out this new technique at the seminar.

This program is a compilation of the best and most relevant segments of the *Reducing Attorney Stress with Dynamic Action* seminars held in 2009 and 2010.

Chapter-2: "The Origin of Dynamic-Action"

The Dynamic-Action seminars evolved from an inconsistency. Lawyers are a dynamic and powerful group of people undeterred by the ordinary challenges of a legal career. Nevertheless, they are complaining about the practice of law more than ever before. There had to be some explanation and the answer was, "stress."

Chapter-3: "Top Issues Medley"

Issue #1: Whether there is any "need" for stress management?

Issue #2: With increased competition lawyers are crossing over the ethical boundaries with greater frequency.

Issue #3: Public displays of incivility. The reputation of the legal profession.

Issue #4: In your expert opinion, what is the one change that would have the biggest positive impact on civility?

Issue #5: Less stress means greater productivity. Greater productivity means greater quantity and quality of work product. Greater quantity and quality of work product means great law firm profits. So, there's not just a psychological benefit but there's also a financial payout.

Chapter-4: "Need for Stress Management"

- A causal connection between stress and incivility?
- Unanimous agreement of the "need" for stress management.
- Focus on an American Bar Association article that suggests that practicing law may be the most stressful profession;

- The ABA website ABAnet.org for further information;
- "In your expert opinion, what is the biggest cause of stress in your practice;

Chapter-5: "Causes of Attorney Stress"

- Is practicing law more stressful today and what about practicing today is more stressful?

- List of the causes of attorney stress, such as: greater complexity of statutes; greater competition; obtaining new business; ARDC popularity by clients; collection of fees; lien resolution; cantankerous judges; obnoxious clients; and others;

Chapter-6: "The Theory of Dynamic-Action"

The underlying premise of, *Reducing Attorney Stress with Dynamic-Action*:

"It is always better to self-medicate attorney stress with "action," inspired action, rather than self medicating stress with excess alcohol, pharmaceuticals, illegal drugs, excess gambling, and some of the other traditional stress management behaviors which merely placate stress."

The theory of, *Reducing Attorney Stress with Dynamic-Action*:

"As long as you are in motion towards one of your "inspired visions," one of those visions you hope to get to someday when you have enough time,...just being on that journey will generate more fun, inspiration, and invigoration, and by definition fun, inspiration, and invigoration reduces stress."

- If there was a flaw in this theory what would it be?
 - The "scarcity of time" and how this effects getting into action.
 - The "net-zero" expenditure of time proposition of this theory.
 - We discuss the general problem of "attorney fatigue".
 - The importance of defining "inspired vision."
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Chapter-7: "Proof of Dynamism"

-Lawyers are the most dynamic group of people on planet. Well, so what?
-Here's the relevance. Since, the journey towards one of your inspired-visions generates the fun, inspiration, and invigoration that reduces stress; this means that you have to choose one of your visions.

If you choose something that you are really passionate about, the journey will generate lots of fun, inspiration, and invigoration with a commensurate reduction in stress. If you choose something small your return will be commensurate with that choice.

-Virtually anything is possible for attorneys because of their dynamism even playing first base for the Yankees.

-PROOF: Evidence of attorney dynamism, e.g.; education, experience, wisdom, networking, financial capability, political power, and more.

Chapter-8: "Traditional Stress Techniques"

-'Destructive' techniques: excess alcohol, over use of pharmaceuticals, illegal drugs, and excess gambling.
-Overeating and anger as non-productive alternatives to dealing with stress.

-The American Bar Association website ABAnet.org, *Highlights Magazine* which catalogs many stories of attorneys whose careers are devastated by addiction;

-Financial irresponsibility and co-mingling as a behavior to avoid stress;
-The high rate of suicide within our profession;
-Gambling, shopping, and other addictions;

-‘Constructive’ traditional stress management techniques, such as, exercise, nutrition, recreation, family and friends.
-Nightingale-Conant Company, a leading vendor of motivational and positive-attitude CDs and materials for confronting stress and lethargy;
-The inherent negative energy of being in a profession that deals with problems and difficulties on a daily basis;
-Other authors that deal with positive-thinking techniques, such as Zig Ziglar, Roger Dawson, and Dennis Waitley;

[END OF AUDIO DISK-ONE]

AUDIO DISK-TWO: "Incivility & Consequences"

Chapter-1: "Incivility on the Rise."

- The pervasiveness of the overly aggressive no-holds-barred attorney;
- The belief that clients want their lawyer to fight in court and be aggressive;
- The ethics issues that arise from such conduct.

Chapter-2: "Where's the Ethical Line?"

- Where should we draw the ethical line?
- That a "minimum" standard when dealing with clients is a standard similar to "political correctness;"

- What are the "advantages" of being overly aggressive?
- That today's attorney-advertising has a very aggressive tone;
- Some areas of law encourage more aggressive behavior.

Chapter-3: "Consequences of Stress."

- A list of consequences, e.g.: incivility, poor health, alienation, burnout, financial difficulties, loss of license, ARDC, poor work product, lethargy and catatonia, insomnia, criminal charges, theft from trust accounts, prison sentences in some cases.

- The need to fight back when another attorney is gaining ground by being uncivil;
- A consensus that judges play a critical role in reducing incivility.

Chapter-4: "Injurious to the Profession."

- At what point does the overly-aggressive response become detrimental to the individual attorney and to the reputation of the legal profession?
- Appropriate ways to sanction uncivil conduct;

Chapter-5: "The Atticus Finch Ideal"

- The qualities of honesty, high morals, crusader for causes.
- Which characteristics are practical or impractical?

- Clients want attorneys to be "hired guns".

-We agree, that we are "hired guns" but that the real question is, 'What are the boundaries we want to set for our behavior?'

-A comparison between Atticus Finch and Jimmy Stewart's character in, *Anatomy of a Murder* who is famous for prepping his witness and flirting with the ethical boundary.

Chapter-6: "Remedies, Increasing Civility"

-What is the one change we could make that would have a significant positive impact on civility in the profession?

[END OF AUDIO DISK-TWO]

AUDIO DISK-THREE: "Dynamic-Action as a Technique"

Chapter-1: "Best Time for Vision."

"When you're young you have a lot of dreams and visions that draw you to one place or another. Then, as you get older you realize...that didn't work...and, that didn't work, (laughter), and that didn't work... So, visions have a new dynamic for me."

(Attorney attendee)

It appears to be a catch-22. When you're young, you feel you don't have the skills or financial resources to accomplish your visions and dreams and that you must wait until you get more experience in your field and acquire the necessary financial resources. When you're a bit older, after a couple decades of developing your career, you feel like dreams and vision, to some extent slipped by, and that you too may have a new dynamic about them.

Chapter-2: "Something I'd Love to Do"

-Query: "In the best case scenario, if you had enough time and money...what would you love to accomplish of experience before you get old?"

-The importance and benefit of being in the "conversation" about.

-The amount of stress reduction is commensurate to the amount of passion a person has for a particular vision;

Chapter-3: "Lawyer & Dreamer"

-Hard-working attorneys often find their vision and dreams in quasi-hibernation after spending many years building a law practice.

-With the net-zero expenditure of time, you take the least effective time you are already spending on stress-management and devote it to your inspired vision.

-The subject matter of our inspired-visions and plans for the future is usually completely unrelated to law.

To begin generating more vision and inspired action, entertain 2-queries:

First: 'What is something you've always wanted to do?'

Second: 'In the last few years...what have been the 2 or 3 most exciting visions you've had for your future?'

Chapter-4: "Possibilities Unlimited"

-The "prime the pump list:" e.g., sailing, mountain biking, buying a farm, operating a favorite franchise, starting up a NASCAR racing team sponsored by the Chicago Bar Association, and others.

Chapter-5: "The Vision List"

-We share the different visions of the lawyers;
-Distinction: "The Vision List" vs. "The Bucket List"
-A recommendation to "never play small" because stress reduction is commensurate with the level of passion.

Chapter-6: "The 5-Step Action Plan"

-Begin by selecting a vision from your Vision List;
-Review the form's sample vision of "obtaining a pilot's license" and the sequence of steps to completion.

Chapter-7: "Trickery in the Profession"

-An article in the American Bar Association Journal commemorating famous trial lawyers and that the emphasis was on the "tricks" that each attorney used; and that many of these tricks bordered on incivility and/or ethics violations;
-"Where's the ethical line in relation to famous trial techniques?"

Chapter-8: "Analysis of Seminar Elements"

In disk-one, we declared: "Attorneys are the most dynamic group of people on the planet." We enunciated some issues, e.g.; that stress is a major component of practicing law today; that high levels of stress are responsible for a variety of health issues; that increased stress is also causing greater incidents of incivility and ethics-violations within the legal profession.

We underscored the MCLE topic-element of, civility and the additional topics of addiction, substance abuse, burn-out, and mental health concerns.

We also confronted the important issue of the scarcity of time. The net-zero proposition of the technique utilizes 12, 13, and 14% of the least effective time we already spend on stress management and devotes that time to an inspired-vision or idea.

We entered evidence and put on proof of the dynamism of attorneys.

We analyzed numerous traditional stress-management techniques, tools, and behaviors. Some of these techniques are destructive like excess alcohol, excess gambling, and other addictions and that they can have a devastating effect on a lawyer's career.

In disk-two, we focused on "incivility." We examined the overly-aggressive attorney demeanor.

We asked the question: "Where's the ethical line," and when does incivility become detrimental to the individual attorney and also to the reputation of the profession?

We then focused on the Consequences of stress, such as: incivility, lethargy, burn-out and addiction and contrasted them with the causes of stress, such as overhead that we had listed earlier in the seminar.

We considered statistics emphasizing the need for stress relief for attorneys. One statistic indicated that attorneys endure more stress than any other profession, including physicians and airline pilots.

We discussed, Atticus Finch as an ideal and legal folk-hero and asked, what aspects of this ideal are practical and what aspects are impractical in today's high-powered legal environment. We compared the Atticus-Finch ideal to the fact that we are hired by our clients to be, "hired-guns," and whether this is a fundamental inconsistency.

To conclude disk-two, we discussed possible remedies for increasing civility and what specific changes we could make to the legal system that would have the biggest impact on civility.

In disk-three, we focused on vision and that possibilities are virtually infinite for attorneys. We focused on specific vision and had fun with a long prime-the-pump list, and used it as a catalyst for ideas and dreams. We created personal vision-lists for each participant and then designed an action blue-print that we called the 5-step Action Plan.

To conclude disk-three, we shared specific cases of incivility and trickery within the profession, and deliberated on what message do we want to convey to our younger lawyers to improve the profession in the years to come?

"Final Information and Procedures"

-This section provides general CLE compliance information and procedures.

-For information concerning this seminar including:

- Procedures for obtaining a completion certificate for this seminar,

- Attestation of viewing form,

- Evaluation forms,

- And, procedures for submitting a question or other interactivity, go to barasaconsulting.com.

- All procedures relating to CLE compliance are at barasaconsulting.com.

Also: You will also find future information concerning other products and services.

[END OF AUDIO PROGRAM]