

SAN FRANCISCO ATTORNEY

THE BAR ASSOCIATION OF SAN FRANCISCO/Spring 2020





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BUSINESS CONTINUITY STATEMENT

Business Continuity at the Bar Association of San Francisco and the Justice & Diversity Center

We continue to serve your needs while doing our part to protect public health during the coronavirus (COVID-19) outbreak.

As we continue to adjust to the rapidly changing situation caused by the spread of COVID-19, the Bar Association of San Francisco (BASF) and the Justice & Diversity Center (JDC) are following the directives of local health officials while working to ensure continuity of service.

REMOTE WORK ENVIRONMENT: Our staff continues to serve your needs while working from home. Our offices are closed through April 7 (or further notice) to limit employee, member, and visitor exposure to COVID-19. You can continue to reach us by email or by phone. Visit our website for email addresses, or call our main number at (415) 782-1600.

EVENTS AND SEMINARS: While our offices are closed, all events and Continuing Legal Education seminars are rescheduled or moved online. The CLE & Events page of our website contains up-to-date information on BASF and JDC programs.

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JUSTICE & DIVERSITY CENTER: Our staff and volunteer attorneys continue to represent clients during this time. As legal services are considered essential services under the Public Health Order, our attorneys continue to represent people facing eviction and homelessness, advocate for immigrants in detention, and protect domestic violence survivors. Legal clinics and consultations, where possible, are conducted by phone.

PUBLICATIONS: We continue to publish and distribute our printed monthly newspaper, the *BASF Bulletin*, and *San Francisco Attorney* magazine. Additionally, to better serve the needs of our members and advertising partners during this time, we are prepared to distribute our publications electronically. As many offices are closed, we are committed to distributing news and updates to our members in the most timely, direct, and safe manner.

We ask for your patience and understanding as we respond to the sweeping changes designed to keep us all safe. The situation remains very dynamic and we will continue to provide updates as we learn more. Visit our website at www.sfbar.org and follow us on social media.

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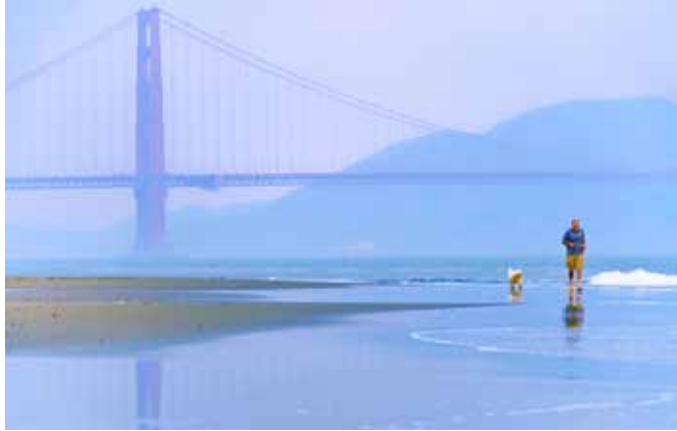
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SAN FRANCISCO



In this issue, we share impressions of Spring in San Francisco—impressions we hope will help soothe and sustain you during this time of quarantine. East Beach, with a view of Golden Gate Bridge.



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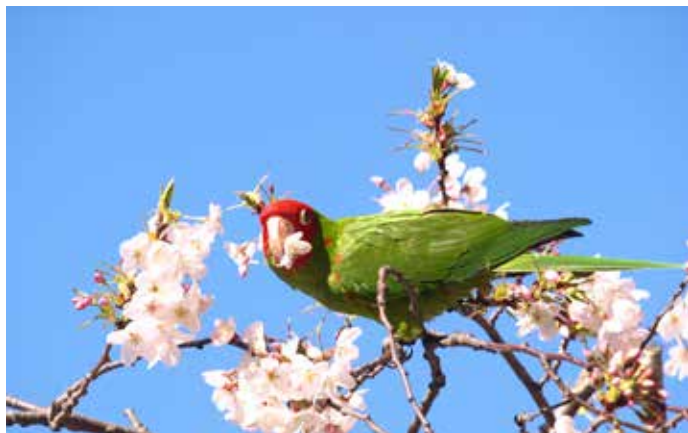
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SPRING
2020



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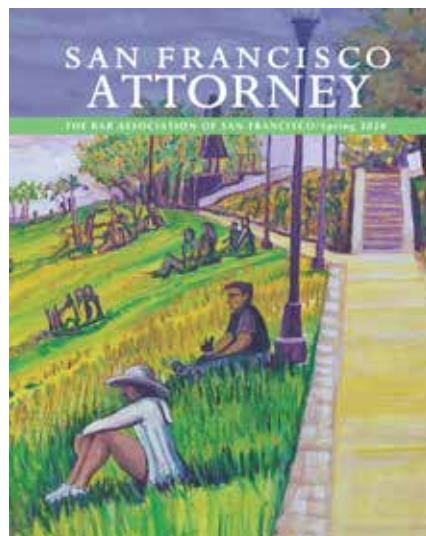
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On Our Cover

DOLORES PARK HILL

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by Jessica Joy Jirsa

Jirsa is a Bay Area plein air oil painter who takes on the challenge of capturing the world around her while up against the unpredictable outside environment. Jirsa can be found around the Bay Area painting her impression of the city with vibrant color and wild brush strokes.

See more of Jirsa's art at
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SELF CARE IS COMMUNITY CARE

Yolanda Jackson



As we are nearing press time, we find ourselves in uncharted territory. The coronavirus (COVID-19) pandemic is forcing us to examine how we live, work, and connect with each other. As a community, we are learning to be nimble and develop new responses to issues of health, community, and social gathering.

As we enter the second half of March, business as usual has been disrupted. Public life is largely suspended, as museums, theaters, libraries, and schools are closing for weeks, perhaps longer. Businesses are facing difficult decisions to reduce or shut operations while taking care of the health and safety of their employees. Not everyone can self-quarantine: At the front lines of the pandemic are healthcare professionals, transit and service industry workers, social service providers, advocates, and public servants who keep essential services running.

The situation is evolving fast and we cannot predict what our public and professional lives will look like when this magazine arrives in your mailbox. Publishing this magazine

issue filled with self-care and wellness advice takes on a new level of meaning in the times of COVID-19.

Wellness extends beyond the self. We sincerely hope that the expert tips in this issue will help you cope in these times of increased uncertainty and stress. The articles that follow are designed to “fill your resilience tank, [giving you] more fuel to tackle challenges,” as Krista Larson describes it in her article. Taking care of yourself will help those around us too, as Michael Susi reminds us: “When leaders exhibit the qualities and practices of self-care, it grants permission for others to take the steps necessary for their own self-care.” Be a leader to those around you.



Yolanda Jackson, center, surrounded by staff in January, helping kick off the Wellness 2020 initiative. At the time, we did not know the extent to which issues of health and wellness would change our lives this year.

We are interconnected. The spread of the pandemic can be slowed, public health officials tell us, if we practice social distancing, limit gatherings, and increase our hygiene measures. For many of us in the legal profession, work on behalf of our clients continues at courthouses, in jails and detention centers, in offices, community centers, and clinics. Our job is to protect safe access to justice—another concept that takes on new meaning in the times of COVID-19. We are quickly learning that, in a city of 900,000, we are only as safe and as strong as the least-resourced people among us. As a community, we need to take care of each other, so we are stronger together.

We are here for you. This experience is offering us many learning opportunities. It highlights areas in our infrastructure and service delivery that we need to continue to improve. As an association, we are in the business of learning from and supporting each other. We excel at providing opportunities for connection and exchange, and we are now learning that it is crucial that we provide more

of these opportunities virtually. To that end, we are, for instance, developing online communities for our sections and committees, so exchange of ideas and solutions can continue even during times of social distancing. We look forward to working with our members, friends, and partners to develop more solutions that make us stronger and more resilient.

We hope you enjoy the articles in this issue and find some practical tips to take care of yourself and those around you. We recognize that self-care is personal and comes in many forms. Advice that benefits one person may not work for another. However, these unprecedented times are a reminder that wellness practices such as mindfulness, kindness, and empathy are universal tonics to alleviate stress for ourselves and those around us.

Yolanda Jackson is the executive director and general counsel of the Bar Association of San Francisco, and the executive director of the Justice & Diversity Center.



A CITY VIEW INSPIRES

*Our San Francisco Valves and a Pledge
to Promote Wellness*

Stuart Plunkett

Stuart Plunkett, addressing members and guests at the annual membership luncheon in December. Photo by Jim Block.

The following are excerpts from Stuart Plunkett's remarks at his December 17, 2019, installation as the 2020 president of the Bar Association of San Francisco.



Lately, when I go outside, I try to feel the City beneath my feet—to renew my affection for the place where I live and work. San Francisco is a remarkable place, steeped in history yet always on the cutting edge. We are lucky to be here. It is a city defined by change, and we as lawyers are part of that change.

“Where we are” is so much tied up in “who we are.” We are at the center of technological innovation, and it is lawyers who help cut the path for these innovators and disrupters. San Francisco is a beacon of social progress, and it is lawyers leading the charge.

When I think of “San Francisco Values,” I think of a mayor, a leader, who once made an unpopular decision to issue marriage licenses to same-sex couples—an effort that was struck down by California voters, the same voters who have now elected him governor. San Francisco’s values changed American history. But not before an army of San Francisco lawyers fought for years to finally achieve this civil rights victory.

This is but one example to make this point: You are part of an extraordinary community of lawyers with an outsized desire to give back to your community.

If we didn’t come to San Francisco with the “giving back” gene, or the “doing good” gene, then it was no doubt

PRESIDENT'S REPORT

instilled in us by leaders in our law firms, companies, and agencies who did grow up in this legal community, who ran this bar association, and who pioneered pro bono legal services in this city, imparting on us the professional expectations about public service that we now understand to be, simply, “who we are.”

And let's face it, we live in a city where our worst troubles are in plain sight; where the chasm between the haves and the have-nots could not be starker; where the needs of our community are exacerbated not just by the sheer economics of surviving here, but also, most acutely, by the war being waged by our current administration against the most vulnerable among us—our immigrant communities.



**WE ARE AT THE CENTER OF
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IS LAWYERS LEADING THE CHARGE.**

Serving as a Model

It is only in a place like this with lawyers like you that I could stand here to report that you are the supporters, and beneficiaries, of the best bar association in the country. Cities much larger than our own do not provide the size or breadth of services that we do. Our programs are nationally recognized and serve as models across the country.

We have one of the most robust and successful Lawyer Referral and Information Service (LRIS) programs in the nation, giving our community easy access to a vast pool of talented and well-vetted attorneys. Our program director is nationally recognized.

We are unique among bar associations in speaking up for constitutional rights. Most notably, our Criminal Justice Task Force, through the dedicated work of several subcommittees, has examined and weighed in on numerous important issues in law enforcement and policing.

We are the only bar association in the country to run conflict intervention services in housing cases—a program winning us national attention.

We are unique among bar associations in having exceptionally strong ties to city agencies and city leaders, allowing us to work collaboratively with them to confront difficult issues facing the community.

I invite you to visit our Homeless Advocacy Project housed at the Tanya Neiman Building at 125 Hyde Street. Each year, we serve more than fifteen hundred clients facing all manner of problems (housing, benefits, immigration) through the work of staff attorneys, social workers, and volunteers.

These are just a few examples. But this is why, when it comes to asking for your financial support and your time, we aren't shy about it. We can all take pride in the work of our bar association.



Stuart Plunkett, addressing members and guests at the annual membership luncheon in December. Photo by Jim Block.

Putting Wellness First

One of the strengths of our bar association derives from our ability, each year, to pursue a new initiative, with the full commitment of the incoming president behind it. This year's initiative was an easy one for me to land on. It reflects the strength of the bar's existing programs and its financial health—thanks to you, our past presidents, our boards, and most of all, Executive Director Yolanda Jackson and her devoted staff.

When your house is in order, you have the luxury of checking in on its occupants. So for 2020, our initiative is attorney wellness. I'm calling the initiative Wellness 2020.

Like so many of the best ideas, this one originated from the newest members of our profession. Former Barristers

President Drew Amoroso instituted a wellness initiative two years ago. Drew is a leader in the area of attorney wellness and development, and a friend and inspiration to me. He and the Barristers Club will be equal partners in this initiative for 2020.

Drew taught me that wellness is a broad concept, addressing concerns from office ergonomics, exercise, and mindfulness—to mental health and addiction. But let's start by acknowledging the most important aspect of the problem—stress.

Stress in our profession is uniquely prevalent and corrosive. Our jobs are difficult and time-consuming; the stakes can be high; the issues can be intense, even heart-breaking. The work can be lonely, thankless, the pressure endless. Stress in our profession leads to alarming rates of depression,

PRESIDENT'S REPORT



From left, Drew Amoroso and Stuart Plunkett at the annual membership luncheon in December. Photo by Jim Block.

anxiety, alcohol and substance abuse, and suicide. There is no secret about this anymore. The drivers of these statistics are complex, but stress is at the core.

Things have gotten worse since I began to practice law. Work is now omnipresent. Our office fits in our pocket, and we place it on the dinner table and the bedside table. The demands of our jobs are always there, and expectations about availability and responsiveness are absurd. I recently heard a supervisor tell his charges that the expectation was “24/7 service.”

Worse yet, we tend to choose to suffer in silence. If we find ourselves in trouble—when all the pots are boiling over at once—we are afraid of revealing weakness. This is a sad and dangerous cycle, and one I take very seriously. In my years of practicing law, I have witnessed the effects of stress on colleagues and friends, in some cases, with serious consequences. And I have experienced it myself.

If I asked how many people in this room felt they could go to another lawyer in their workplace and say, “I think I have a problem; I need help,” very few hands would go up. But if I said to this room full of people, how many of you would

want someone to come to you with that information, all of your hands would go up. That means this is a problem we can solve.

Here’s what we are going to do.

We will have quarterly wellness summits, half-day programs focused on wellness topics, as well as a variety of lunch programs; we will also offer some programs on sensitive topics via teleconference to protect your privacy and encourage participation.

I’d like to highlight our second summit, which will be aimed at supervisors and managers. This summit will encourage the exchange of ideas about promoting wellness in the workplace, and it will tackle tough topics like navigating wellness problems in the workplace when a supervisor sees or suspects them. Most of us don’t know what to do in that situation. We will learn from experts in this area.

We will offer opportunities to join together for mindfulness programs, for meditation, yoga, and physical fitness training.

Perhaps most importantly, we will promote wellness by taking advantage of this incredible place where we all practice law.

We are going to feel the city beneath our feet. Every Friday at noon, we will meet on the steps of the Old Federal Reserve on Battery Street, where our bar association resides, for an “Urban Wellness Walk.” [*Editor’s note: Urban Wellness Walks are on hiatus until the current shelter-in-place order is lifted.*] And on these walks, you will meet an attorney who, like you, is stressed out about taking his first deposition, and you’ll learn that you’re not alone.

I am so honored to begin my year as the 106th President of the San Francisco Bar Association. Thank you.

Stuart Plunkett is a partner at Alston & Bird and the 2020 President of the Bar Association of San Francisco and the Justice & Diversity Center.



From left, Executive Director Yolanda Jackson, 2019 President Doris Cheng, 2013 President Christopher Kearney, 2018 President Merri Baldwin, 2016 President Michael Tubach, and Women's Impact Network Co-Chair Blair Walsh



Doris Cheng passes the gavel to Stuart Plunkett



Past Presidents Michael Tubach and Stephanie Skaff



From left, Public Defender Mano Raju, Yolanda Jackson, and District Attorney Chesa Boudin



From left, Award of Merit winners Jeremy Sugerman, Ryan Sandroek, Lee Trucker, and Kendra Basner



From left, BASF Board Member Charles Jung, Board Secretary Vidhya Prabhakaran, and JDC's Shuwaski Young



Leaders of the Barristers Club at the Membership Luncheon in December

BARRISTERS:

THE NEXT GENERATION OF LEADERS

Kelly Matayoshi

Graduating from law school and entering the legal profession is exciting, but also terrifying. Even the most seasoned attorneys can still remember the first time someone turned to them expecting them to know the answer because they were The Lawyer.

However, it does not take long for junior attorneys to find their feet and their voice. Junior attorneys become mid-level attorneys and eventually senior attorneys, learning as they go along how to be a good lawyer and hopefully also a good leader. Unfortunately, while the profession focuses strongly on improving junior attorneys' legal skills (as it should), not enough attention is paid to the "soft" skills that lawyers ultimately need to succeed. In particular, junior attorneys are not given leadership training despite the fact that they too manage other employees and that responsibility only grows with time. This must change.

Being a leader can be difficult and messy. Others look to you for guidance on what to do and when. Often those people being managed are not perfect either, and do not know to ask the right questions or make mistakes themselves that need fixing and coaching. Leadership may require one to speak in front of large audiences, both making points clearly and concisely while also being inspirational and motivating.

These skills—delegation, management, coaching, and executive presence—do not come naturally to most people. Being a great lawyer is more than just knowing the law and being able to practice it well. Yet, the profession does not do enough to teach junior lawyers the "soft" leadership skills that transform a good lawyer into a superstar lawyer.

The Barristers Club wants to provide such leadership training to junior lawyers to help bridge the gap. Part of this is hands-on experience serving as co-chairs of sections or committees. We want to provide our own leaders with the tools they need to succeed. To that end, about fifty of the Barristers Club leaders met for half a day on a Saturday in February to set goals, create plans, and network.

The other part of the plan is to provide formal leadership training. The Barristers Club is organizing a series of leadership skills trainings throughout the year, and we encourage all junior attorneys to attend. Beyond that, senior



Leaders from the Barristers Club Board of Directors, sections, and committees gathered in February for goal-setting and team-building.

attorneys must recognize the importance of these trainings and permit the junior attorneys they supervise to attend while emphasizing the value in doing so. Together, we can and will create the next generation of leaders.

While leadership training is important, this is not to say that Barristers members are not already leaders. Junior attorneys are leaving their mark and changing the face of the legal profession. These attorneys, the “next generation,” are not satisfied with maintaining the status quo, and are not only vocal about it but will act upon it. Here are just a handful of ways in which junior attorneys differ from earlier generations, while also leading the way.

Leaders in Tech

The majority of new attorneys were raised in the era of the internet, with laptops and cell phones making information portable and even more easily accessible. They are used to being able to access quick answers and do so on the go. In order to keep up with this fast-paced world, law firms and companies must identify and adopt new programs that allow new attorneys to work quickly, efficiently, and remotely.

This drive for innovation makes junior attorneys the ideal leaders in technology. Take, for example, former Barristers Club President Drew Amoroso. Drew created an app called DueCourse, which “is a learning and professional development platform that helps lawyers develop essential skills and achieve peak performance.” Using an artificial intelligence platform, DueCourse creates customized learning paths for lawyers. Through technology like Drew’s, junior attorneys are leading the way for how new attorneys learn about the law and how to be a lawyer. This is just the tip of the iceberg. Junior attorneys have already and will continue to change the way we practice law.

Leaders in Diversity

New attorneys are more diverse than ever before. According to the American Bar Association, about 30 percent of the 2019 incoming 1L class were minorities, and 54 percent were women. Not only are law school classes more diverse, but the legal profession is starting to recognize and embrace nuances in diversity. While student organizations like the Asian Pacific American Law Students Association (APALSA), Black Law Students Association (BLSA), and La Raza

have long existed, new organizations like First Generation Professionals or Women of Color Collective have been formed and are thriving. These organizations recognize a broader range of diversity beyond a single race or ethnicity. They also acknowledge intersectionality—the overlapping of more than one race, gender, sexual orientation, or other diverse group. In short, diversity is becoming more diverse. As a side note, it is important for older generations of attorneys to recognize and embrace these differences. Seasoned attorneys can have a major impact in mentoring, sponsoring, and developing junior, diverse attorneys.

The Barristers Club has taken the lead on diversity by creating a Diversity Task Force aimed at bringing together various Minority Bar Coalition leaders to tackle diversity issues that face us all. Junior attorneys bring new ideas and experiences that will hopefully make the legal profession more diverse, from which everyone will benefit.

Leaders in Work-Life Balance

While junior attorneys certainly recognize the importance of hard work and long hours, there is starting to be more recognition of the importance of balancing this with family, friends, and general wellbeing. Work-life balance is critical to attorneys' physical and mental health. Firms and companies are already trying to change to adapt to this new mentality from their junior attorneys, and will hopefully continue to do so.

Wellness is a major part of work-life balance. The Barristers Club created a wellness initiative that has been embraced and adopted by the Bar Association of San Francisco. Together, we will all be leaders in forming a safe, healthy environment in which to practice law.

Kelly Matayoshi is a senior associate at Farella Braun + Martel and the current Barristers Club President. Her practice focuses on business litigation and employment, with a focus on the consumer products industry.

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LAWYERS FIND STRATEGIES
FOR DEALING WITH

SECONDARY TRAUMA

Laura Ernde

Like many lawyers, Vicki Trapalis is called upon to deal with other people's trauma on a daily basis. She works in San Francisco's dependency court, representing children who have been through unimaginable horrors.

Recently, she got a desperate call from the foster mother of a five-year-old boy who had been sexually abused by his mother's boyfriend. The foster mom was at the end of her rope on a Friday night after a week of dealing with the boy's behavior issues at school and at home brought on by his abuse. Just when Trapalis thought the boy had turned a corner because he's now in a safe place, she found herself worrying he would lose his new home. She listened for an hour as the mother vented her frustrations.

“All I said to her is, ‘You’re not in this alone.’” Trapalis reassured the foster mom that she would call the school and get an appointment scheduled with someone who could help. That seemed to help.

Trapalis has a rewarding job. But what makes the job rewarding can also make it stressful. She desperately wants to help her clients fix their lives. But at the same time, she knows that in order to do her job well, she can’t let the trauma impact her own mental health. As a result, she’s learned to constantly check in with herself to make sure she’s setting appropriate boundaries.

According to the U.S. Department of Health & Human Services Administration for Children & Families, compassion fatigue, or secondary traumatic stress, is a “natural but disruptive by-product of working with traumatized clients.” Its symptoms—including feelings of isolation, anxiety, dissociation, physical ailments and sleep disturbances—mirror post-traumatic stress disorder (PTSD).

Trapalis has discovered some techniques she can use to protect herself from secondary trauma, admittedly with varying degrees of success. She has also done trainings on vicarious trauma for the Bar Association of San Francisco’s Justice & Diversity Center to help people recognize the signs and find what works for them.

Getting out in nature, spending time with family or practicing mindfulness can work, as long as it’s “something that nurtures your soul and releases some of that worry,” she said.

For Trapalis, relief often comes in the form of a furry black cuddler named Daphne. Trapalis agreed to foster the cat after taking a year-long sabbatical to help refugees in Greece. Soon, Daphne—rescued from a homeless encampment—became her permanent companion.

“Sometimes I think if I can just get home to my cat I’ll be OK,” she said. Something as simple as watching Daphne

**“SOMETIMES I THINK IF
I CAN JUST GET HOME TO
MY CAT I’LL BE OK”**

Vicki Trapalis



“WE LEARN NOT TO TAKE ON THE SUFFERING OF SOMEONE ELSE. OUR RESPONSIBILITY IS TO LEARN THESE TOOLS AND INTEGRATE THEM INTO THE WAY WE ARE SO WE LEAD WITH KINDNESS AND COMPASSION AND INTERCONNECTION.”

Judi Cohen

play with a shoestring will bring her back to reality. “Watching her innocent reaction gives me a reality check.”

In the trainings, Trapalis encourages people to adopt coping mechanisms that are simple and easy. Otherwise, something that’s supposed to help is liable to become one more item on the to-do list.

Judi Cohen, a Berkeley Law lecturer and the founder of Warrior One Mindfulness in Law Training, said lawyers in many different practice areas can be vulnerable to secondary trauma.

Someone doing immigration work lives with the fear that their client might be deported. Those practicing family law

are confronted with people who are grieving the end of their marriages. Even in corporate law, there can be a tremendous amount of emotion on the other side of the table.

Cohen said she started to feel the impact of law practice after about ten years, saying, “It really had the potential to dysregulate me and make me feel like I was on high alert all the time. I could say yes every time and take on more and more and more, but I had this sense internally I was never quite doing enough. I could always do more. I could always be better and more perfect.”

When she discovered mindfulness training, Cohen learned that the kind of thinking she was trained to do as a lawyer was helpful for spotting issues and handling client work. But it was important to let go of that in other parts of her life where it didn’t serve her.

“I could shift to a calmer, less activated, more regulated state of mind,” Cohen said. Mindfulness practice allows you to see what’s happening with your mind so you can shift to a healthier state of mind when that’s available.

Lawyers who develop a mindfulness practice can draw on it when they find themselves faced with trauma.

“What’s coming at me may be anger or sorrow. Screaming or crying,” she said. “We don’t separate ourselves but we learn not to take on the suffering of someone else. Our responsibility is to learn these tools and integrate them into the way we are so we lead with kindness and compassion and interconnection.”

Laura Ernde is a San Francisco-based communications consultant. She has covered legal affairs for more than a decade, as a journalist and former editor of the California Bar Journal.



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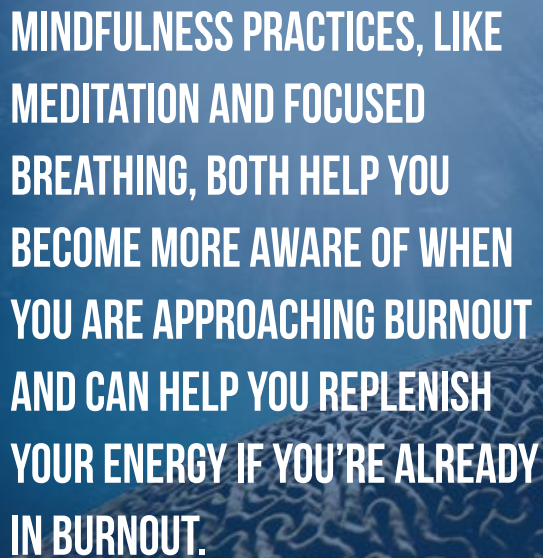


How Mindfulness Practices Can Benefit Lawyers



Jerry Givens

Burnout is a phenomenon that many lawyers are all too familiar with. You're working long hours, sleep has become elusive, you're chronically exhausted, overly cynical, and you may feel ineffective in your career. Even your subconscious thoughts are constantly ruminating on your clients and cases, creating debilitating anxiety and feelings of isolation. Burnout, in this case, is burning the candle at both ends and, eventually, running out of wick.



MINDFULNESS PRACTICES, LIKE MEDITATION AND FOCUSED BREATHING, BOTH HELP YOU BECOME MORE AWARE OF WHEN YOU ARE APPROACHING BURNOUT AND CAN HELP YOU REPLENISH YOUR ENERGY IF YOU'RE ALREADY IN BURNOUT.

Some common symptoms of burnout include excessive stress, anxiety, fatigue, insomnia, weakened immune system, hypertension, alcohol and substance abuse, impaired concentration, pessimism, and erratic emotional states (anger, sadness, depression, irritability). Often those experiencing burnout also feel strain in their interpersonal relationships as a result of these symptoms.

While burnout is a common occupational hazard for law professionals, there are many precautionary steps that you can take to get ahead of any potential crash. Mindfulness practices, like meditation and focused breathing, both help you become more aware of when you are approaching burnout and can help you replenish your energy if you're already in burnout. Best of all, many of these practices are simple and take very little time.

At its core philosophy, mindfulness is the present and compassionate awareness of your body, energetic state, thoughts, speech, and actions, their effects on the world

around you, and the effects that the world has on you. It is asking you to become more aware of how you are being in the world versus solely what you are doing. In taking the time to stop what you are doing and to check in with how you are being, you'll be better able to notice any potential signs of burnout and you'll be able to course-correct. The ultimate goal of mindfulness is to help you to create an energetically and emotionally sustainable life so that burnout, and all of the ailments that come along with it, becomes less common.

With the prolonged practice of these techniques and with the propensity for burnout becoming lessened, you may even notice an improvement in your interpersonal relationships, including romantic partnerships, family dynamics, friendships, and professional relationships. Irritants that may have once set you off into fits of anger or agitation become less impactful as empathy and compassion become your primary response. Often, you just become less burdened by what may have once bothered you.

From a scientific perspective, mindfulness practices help to curb the effects of your sympathetic nervous system response (or "fight or flight" response) by helping to ground you into your parasympathetic nervous system response (calming response). The sympathetic state is a part of our biology to help us respond quickly and effectively to the dangers present in the natural world, which is why it is often referred to as "survival mode." While being in this activated state can be useful and even productive, prolonged time spent in this state taxes the adrenal glands.

Too much of the stress hormone cortisol is released into your system, and your energetic reserves become depleted, leading to exhaustion and eventually burnout.

Sustainably, the parasympathetic state is where our bodies and minds are naturally most equipped to remain at homeostasis, being calmer and more balanced. Time spent in the parasympathetic state can help to reverse the effects of too much time spent in the sympathetic state, giving your system a chance to replenish lost resources. It is also



Lily pond with reflections in the San Francisco Conservatory of Flowers

the state of being that is most conducive to our physical, emotional, and mental healing, as the cells in our bodies are allowed to regenerate. In other words, if you find yourself burned out or even approaching burnout, finding a way to access this calming biological nervous system response can help you to bounce back.

Mindfulness for law professionals isn't just a fad, as it's now becoming a standard across the industry and in schools. Law schools at Yale, the University of San Francisco, and the University of California at Berkeley have even begun offering mindfulness courses to help law students learn self-care and mental-emotional regulation before they enter their careers.

A Moment of Mindfulness

A quick mindfulness practice you can do anytime is to:

Sit comfortably.

Become aware of all sensation in and on your body, being careful to not label any sensation as good or bad—the sensation just exists.

Move your awareness to your breath—the movement of the abdomen, sensation in the nostrils and throat.

Notice where your mind is and have compassion for any thoughts or distractions that might be present,



acknowledging that even distracting or negative thoughts are somehow trying to help you.

Everything you witness, from the body, to the breath, to the mind, is met with compassionate awareness. This process only takes a few moments and can shift your mental and nervous system state quickly.

Mindful Breathing

Another quick practice is called Mindful Breathing. Sitting comfortably, become aware of your breath. Slowly inhale through your nostrils for five seconds, hold your breath in for two seconds, slowly exhale through your mouth for five seconds, and then hold your breath out for two seconds. Repeat this technique for five to ten rounds of breath. If holding the breath causes any anxiety, simply do the practice without the breath holds.

With both singular and prolonged practice of these techniques and others like them, you'll be able to identify when you're stuck in your sympathetic response for too long (increased heart rate, shallow breathing, headaches, and fatigue) and help turn your nervous system toward your parasympathetic state and a healthier sense of being.

When you're living from this mindful state of being, you'll be happier and healthier, you'll enjoy your career more, and you'll find improvements in your communication and relationships with loved ones, colleagues, and clients.

There are many mindfulness practices out there and many are accessible through free smartphone apps, including Insight Timer, Headspace, and Calm. You can also practice mindfulness at many yoga studios and meditation centers. Like drinking water to stay hydrated, reach for just a few moments of mindfulness every day to keep your body and mind vibrant and happy.

Jerry Givens is a corporate wellness educator, writer, and life coach in the San Francisco Bay Area. With over a decade of experience working in corporate offices, running businesses, and leading culture at tech companies and small businesses alike, he focuses on bridging the gap between personal values and our actions in the business world. His methods are informed by both modern and ancient psychological models of self-understanding. His client list includes companies like TaskRabbit, Inkling, and Morrison & Foerster.

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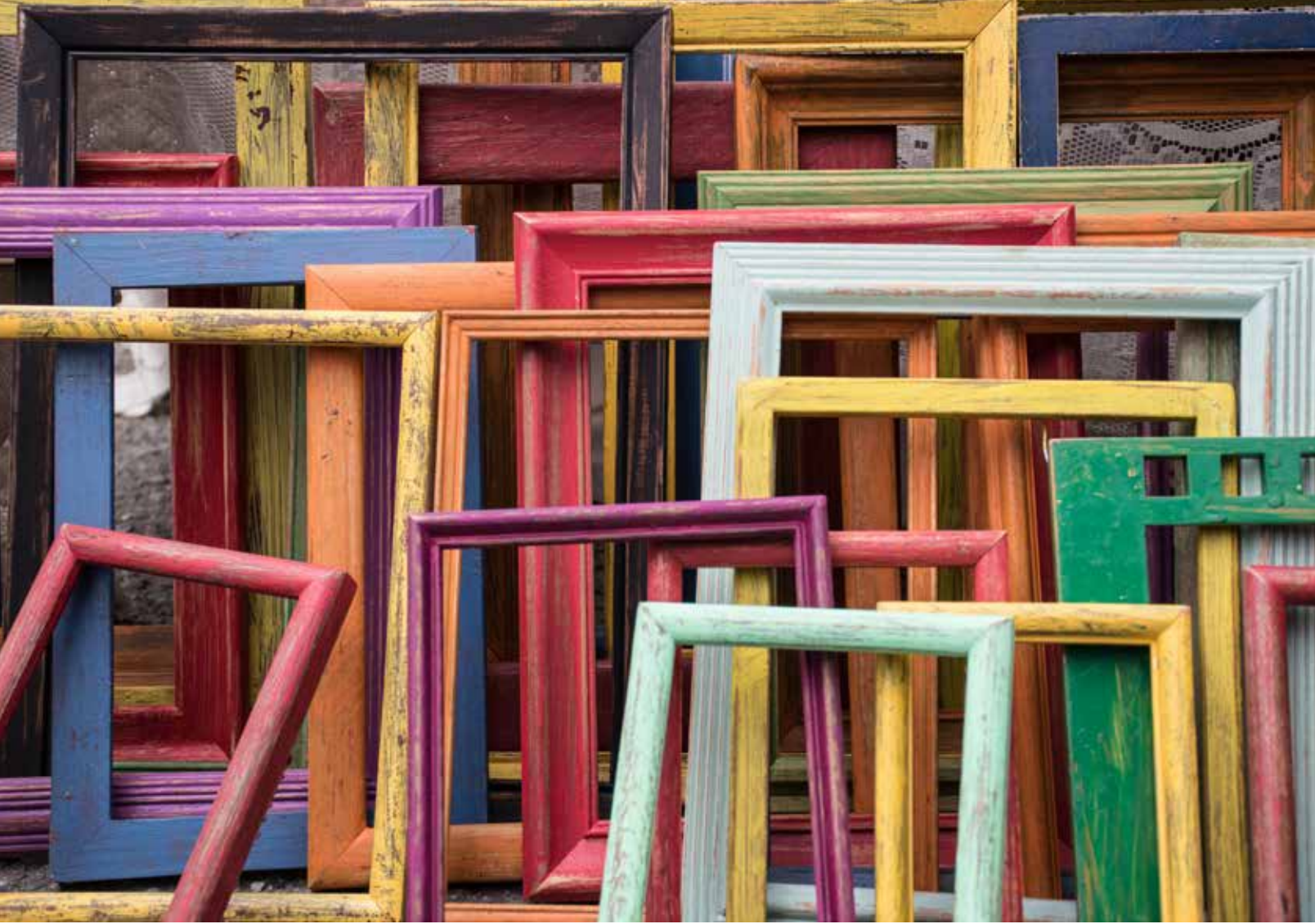
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Law Firms Get Creative To Combat Mental Health Challenges

Laura Ernde

When the law firm Pillsbury Winthrop Shaw Pittman asked employees to share their wellness concerns in a confidential survey last year, lawyers and professional staff alike reported stress as the top issue by far.

Yet few people were taking advantage of the mental health services provided by the firm's employee assistance program.

Why the disconnect?

Pillsbury's Chief Human Resources Officer Kathleen Pearson found that it often took days or weeks to schedule appointments with providers and, in some cases, the providers ultimately weren't the right fit.

To address the urgent concerns of its employees more quickly, the law firm recently partnered with an online health service that matches individuals with specialized therapists or coaches. Topics for help include stress, anxiety, depression, relationship issues, sleep disorders, and substance abuse. Appointments can take place in person or virtually.

"Our goal was to find a solution that would meet our population where they were at the exact time they needed care the most," Pearson said.

Early indications show the program hit the mark. Within three weeks, 10 percent of the global workforce signed up for the confidential service. One person emailed Pearson to say, "This literally saved my life."

It's one example of the creative steps large law firms with offices in San Francisco are taking to tackle the mental health problems that have long pervaded the legal profession. (Full disclosure: I have done occasional freelance writing for Pillsbury and other Bay Area law firms.)

Law firms have been paying particular attention to the issue since August 2017, when the American Bar Association's National Task Force on Lawyer Well-being issued a report with recommendations for positive changes.

**“THERE ARE WAYS WE CAN
CHANGE THE WAY PEOPLE
WORK TO TAKE SOME OF
THE STRESSORS OUT AND
REFOCUS ON THE HUMAN
SIDE OF THE PRACTICE.”**

Kathleen Pearson, Pillsbury

Since the report came out, 170 law firms, legal departments, and government legal agencies have signed the ABA’s well-being pledge, said Anne Brafford, editor-in-chief of the report and a former employment litigator and equity partner at Morgan Lewis & Bockius. She left the firm in 2014 to work on creating better cultures at law firms through her consulting business.

“When I was practicing law, well-being wasn’t considered a team sport—you had to do it on your own,” Brafford said, compared to now, when law firms and bar associations appear to be taking this issue seriously.

A Holistic Approach to Wellness

Large law firms, which typically have offices around the globe, are rolling out firmwide initiatives while also providing flexibility to local offices to adapt their programs as they see fit.

Reed Smith was among the first firms to sign the pledge. The firm launched its Wellness Works initiative in 2018 to help the workforce “manage stress, achieve work-life balance, develop healthy habits, and attain positive mindfulness.”

The firm has collected helpful resources on the internal firm website. Each month, the firm addresses a different topic and organizes events ranging from fun art-sharing projects, volunteer outings and exercise challenges (appealing to the competitive nature of many lawyers) to presentations on more sober topics.

“It’s a very broad-based look at wellness. Not everything is going to work for everyone,” said Casey Ryan, Reed Smith’s Global Head of Legal Personnel.

For Dry January, people committed to not drinking and then shared with their colleagues how they felt. In March, a Stop the Stigma campaign featured people sharing their



own personal stories of depression and other mental health conditions with their colleagues.

“At the end of the day, law firms are their people,” Ryan said. “The health and well being of your lawyers and staff is directly tied to your client service and your client experience.”

While large law firms have more resources to direct to these kinds of programs, Ryan emphasized that cost shouldn’t be a barrier. Firms of all sizes can make a big impact even with low- or no-cost efforts.

A summer walking challenge motivated employees to track their steps. People formed teams to compete for prizes.

“Some of these things sound hackneyed but I can assure you they’re not,” she said. “It’s been warmly embraced. People have had fun with it. It sort of begs the question, why weren’t we doing this earlier?”

Building Wellness Into Professional Development

For the past decade, Wilson Sonsini Goodrich & Rosati had been offering wellness programs at its Palo Alto office, where the firm got its start in 1961. But after signing the ABA pledge, the firm expanded its offerings and launched a resiliency curriculum as part of its professional development offerings.

The courses cover topics such as integrating mindfulness into your life, taming stress and minimizing digital distractions. As with Reed Smith’s program, the courses often feature lawyers or staff chronicling their own journeys with substance abuse or mental health issues.

Nancy Dolan, the firm’s legal curriculum and well-being specialist, openly shares her own story about being married to a meth addict. In 2008, she began practicing mindfulness to cope with the stress of a divorce and the death of her father.



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Casey Ryan, Reed Smith

“I make my life an open book. No question is out of bounds for me,” Dolan said. We are open and honest about having discussions.”

Julie Beley, senior director of compensation and benefits at Wilson Sonsini, said the approach helps to destigmatize substance abuse and mental health challenges.

“It helps people feel comfortable and recognized—knowing they’re not going through it alone,” she said.

Of course, not everyone wants to go public, and that’s fine, too, as long as employees understand that the firm is committed to helping them, Beley said.

Going forward, one of the firm’s goals is to identify well-being champions at each of its offices to make sure the message gets through and collect feedback about what’s working and what else the firm can do to help.

Pearson said she’s also been working with the leadership teams at Pillsbury to open up conversations about communication issues that can create an unhealthy work environment. For example, partners may not understand that associates who came of age using technology have different boundaries. As a result, the associate may perceive that a partner request needs immediate attention rather than asking for a deadline. The same goes for the way partners set boundaries with their clients.

“There are ways we can change the way people work to take some of the stressors out and refocus on the human side of the practice,” she said.

Making it Happen at Your Firm

Wellness programs at law firms are not only driven by the human resources department. Practice groups or diversity and inclusion leaders also can be the catalyst.

What’s most important is that the wellness programs receive buy-in from the firm’s leadership. One way to do that is by identifying metrics that can be used to measure and track success, the law firms’ representatives said. Another way is to demonstrate the problem.

By now it’s been well documented that lawyers suffer from mental health and substance abuse issues at much higher rates than other professions. Compared to the general population, lawyers are 3.6 times more likely to experience a major depressive episode, according to the 2015 joint survey conducted by the American Bar Association and Hazelden Betty Ford Foundation. Other alarming stats from the survey:

- Forty-five percent of lawyers have suffered from depression.
- Sixty-one percent of lawyers reported concerns about anxiety.
- Eleven percent of lawyers reported suicidal thoughts at some point in their careers.
- Thirty-two percent of lawyers under 30 are already problem drinkers.

When Pearson presents this information to the lawyers at her firm, she brings it home by pointing out that with seven hundred attorneys in the firm, that means seventy colleagues have seriously considered committing suicide.

“If that doesn’t keep someone up at night, something is inherently wrong. You can’t just ignore that,” she said.

Pearson said her presentations have opened up productive conversations that prompt lawyers to do what they do best—issue spotting. “What could have been done differently here? How could a partner have worked better with the team or noticed a problem with an associate?”

Another key ingredient of successful wellness programs is targeting everyone who works at the law firm, not just attorneys, and making sure everyone on staff has access to the same resources.

Addressing the Root Causes

Why is the problem so pervasive in the legal profession? Stress is intrinsic for several reasons, said Judi Cohen, a Berkeley Law lecturer and the founder of Warrior One Mindfulness in Law Training.

There's a need for perfectionism, which is a real need when missing a filing deadline could destroy your client's case. The unpredictable nature of client demands and the adversarial nature of the legal system compounds the "fight or flight" signals being sent to the brain, she said.

Mindfulness practice can help lawyers recognize that agitated state of mind and shift to a healthier one.

It's great that firms are prioritizing wellness, Brafford said, but to truly make a difference for the legal profession, larger issues need to be addressed such as how judges treat vacations and deadlines.

"If we really want well-being over the long term, it will need to be an institutional change industry-wide," she said. "We have to keep the innovation and interest going so it doesn't peter out at this initial stage."

Laura Ernde is a San Francisco-based communications consultant. She has covered legal affairs for more than a decade, as a journalist and former editor of the California Bar Journal.



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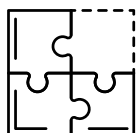




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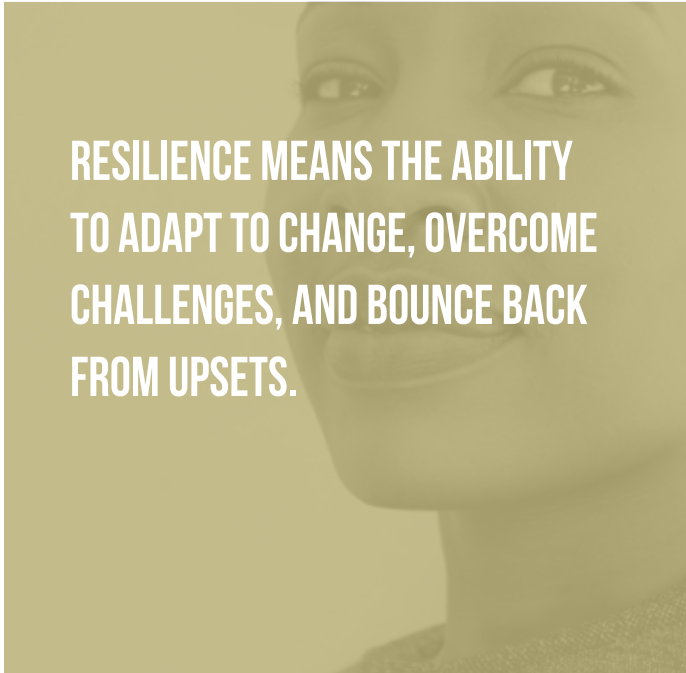
Krista Larson

The shadow of stress inevitably hovers over work in any profession. That is especially true in the practice of law, an endeavor in which lawyers must solve challenging and high-stakes problems, often within extremely tight deadlines. So, what does it mean to be resilient in a profession like ours?

In short, resilience means the ability to adapt to change, overcome challenges, and bounce back from upsets. I find it helpful to think about resilience like a fuel tank. Resilience interventions allow us to fill up our personal tanks with the energy and mental fuel we need to make it through stressful times without the gauge hitting “E.” A full resilience tank means more fuel to tackle challenges. Resilience also allows us to more quickly refill our tanks and get back to an optimal state of functioning so we are not finding ourselves depleted or burned out. We cannot remove the stress from lawyers’ jobs, but we can equip you to better manage and handle challenges.

Unfortunately, and perhaps surprisingly, lawyers tend to score quite low on resilience. In fact, studies indicate that nine out of ten lawyers score below the 50th percentile. We do not know exactly why this is, but the conundrum persists: While lawyers are not inherently resilient, the nature of their job demands that they be.

The good news is that resilience is something you can develop and practice at any point in life.



**RESILIENCE MEANS THE ABILITY
TO ADAPT TO CHANGE, OVERCOME
CHALLENGES, AND BOUNCE BACK
FROM UPSETS.**

In this article, I will share some of my favorite science-based tips and tricks for improving resilience. You can think of these as a set of fuel sources for your own resilience tank. These small, simple habits may produce big payoffs.

Know Your strengths

Identify and hone your unique talents. Character strengths are the personality traits that describe what is best in people. These include qualities such as bravery, fairness, leadership, and creativity. The key is to figure out ways to leverage them to be more engaged and effective in all areas of life.

Visit www.viacharacter.org to take a free, empirically validated, character strengths self-assessment. This report may help you be aware of your unique talents so you can apply them to your everyday life in order to be more engaged and resilient.

Self-Regulate With Mindfulness

We are all familiar with stress. A negative event occurs and it is common for us to react with matching negativity. Mindfulness helps us create space between events and our reactions so that we can self-regulate. Next time you feel overtaken by the stress response, try the “4-7-8” technique. Breathe in through your nose for four seconds, hold your breath for seven seconds, and exhale through your mouth for eight seconds.

Adopt the Power of Yet

A growth mindset describes the notion that we possess the ability to learn, grow, and become smarter. It is the opposite of a fixed mindset, in which we believe we can learn but cannot change our basic level of intelligence. Studies of

students (including law students) show a close correlation between academic achievement and the belief that one could achieve and acquire knowledge.

This shows up in our brains, too. Our brains look different in terms of activity levels when we think, “I don’t know yet” as opposed to, “I don’t know.” When we approach a challenge with a growth mindset, our brains literally become more active, allowing us to learn and achieve more. That is what we call “the power of yet.” Need a nudge? Write “yet” on a sticky note and paste it to your computer monitor as a subtle reminder.

Switch to Videoconferences

We all make choices every day—often, multiple times a day—on how we connect with our colleagues and clients in a global, virtual business context. While there are times when a phone call or email is the most logical means of communication, many (if not most) situations also lend themselves to a videoconference.

Videoconferences and in-person meetings when possible allow for an added visual component that enables high-quality connections. Not only does this visual aspect allow us to read verbal cues, which helps us get work done more efficiently and accurately, it reminds us that a fellow human being is on the other end of the line. This humanizing consequence allows us to connect with more empathy and to get work done more productively.

Audit Your Social Media

In this technology age, social media has become a leading platform for interacting with our communities. There are many ways to have a community, such as families, friends, book clubs, golf clubs, religious organizations, or even sports teams. Whether it be Facebook, Instagram, LinkedIn, or Twitter, we can connect to our communities



**MINDFULNESS HELPS US CREATE
SPACE BETWEEN EVENTS AND
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SELF-REGULATE.**

virtually, which means we have to consider how that virtual connection is affecting this dimension of resilience.

Take a few minutes to do an audit of your social media content. Think about how, what, and whom you are choosing to follow is affecting your community well-being. For example, maybe your Facebook newsfeed is cluttered with people from high school who are not part of your current community. In those cases, a quick “unfollow” could reduce the noise and leave more room for the people with whom you do actually want to interact. Alternatively, perhaps you could add some accounts or people in order to feel better in touch with communities that are more relevant. Find a way to use social media for good and connect with communities that are important to you.

Drink More Water

Dehydration can contribute to negative physical and emotional outcomes such as mental fog, irritability, insomnia, fatigue, and even hunger. Sometimes, when we

think we feel hungry it is just the body telling us we need more water. When it comes to resilience, we need to be setting our bodies up for success to function properly in the face of stress and challenge.


Try to drink one-third of your body weight in ounces each day at a minimum. You'll need to add an extra eight ounces for things you do throughout the day that dehydrate you, such as exercising, drinking a cup of coffee, or having a serving of alcohol. Keep a water bottle on your desk or in your bag so it's easier to sip throughout the day.

Be a Flexible Optimist

Let's start by recognizing the fact that for someone to be an effective lawyer, a pessimistic mindset is helpful, if not necessary. Being skeptical, judgmental, questioning, and argumentative allows you to be a better advocate for your clients. It's not surprising, therefore, that lawyers tend to be an incredibly skeptical population.

However, pessimism is not always the most effective approach in certain tasks, such as mentoring junior associates or leading a committee. In those cases, a pessimistic mindset may actually be counterproductive. Therefore, instead of recommending round-the-clock optimism, I instead suggest we create awareness for when a pessimistic mindset is beneficial and when it creates obstacles. By building up our mindset muscles, we can better use pessimism for good and turn it off when it is no longer useful.

We want to get used to asking ourselves, "When does skepticism help me?" and, on the flip side, "When would optimism be better." By creating this awareness, we can strengthen our ability to override our innate pessimistic approaches in situations where might be counter-

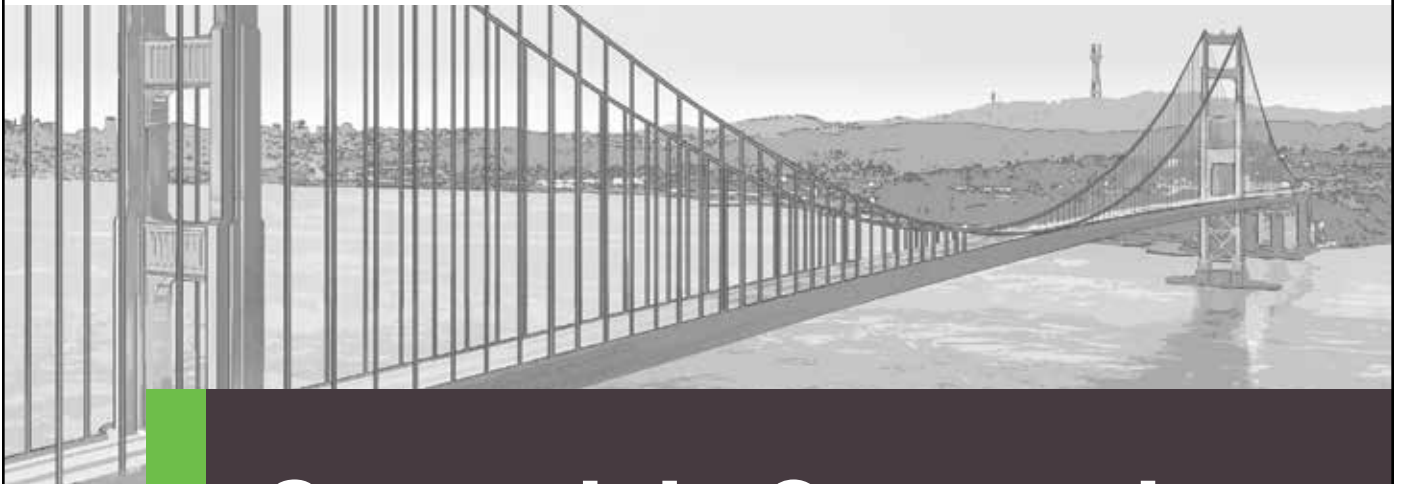


RESILIENCE IS SOMETHING YOU
CAN DEVELOP AND PRACTICE AT
ANY POINT IN LIFE.

productive. It is this ability to flip back and forth that we call "flexible optimism."

I hope these ideas will serve as a reminder that the little stuff matters. Challenge yourself to adopt one or two of these techniques and begin tomorrow.

Krista Larson serves as Morgan Lewis's director of employee well-being. In this global position, she works to design and implement a custom well-being curriculum as part of the firm's employee engagement efforts.



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SELF CARE

LEARNING TO
READ YOUR
BODILY
NAVIGATION
STARS

Michael Susi

There is an analogy that has been passed down through the years involving a woodcutter going about the task of cutting wood. In the story, the woodcutter is asked by an observer why they don't stop to sharpen their saw. It is obvious to the observer that the woodcutter is certainly working hard but is also showing all the signs of exhaustion and fatigue, and not making much progress despite diligent work.

Perhaps you can relate to this analogy in your own work environment. The tasks you must complete in order to achieve the success you seek are taking a toll, but you can't just stop and take time for yourself. "There isn't enough time!" you exclaim, and back to the grind you go without regard for the damage this action, and lack of other actions, is taking on you, your colleagues, your clients, the firm as a whole, and your families.


Self-Care Extends Beyond Self

When we incorporate principles of self-care and wellness into our lives it has a positive effect that extends well beyond ourselves; it benefits everyone around us. This is true of the energy shared with others, and the example that is set. In an office situation, when leaders exhibit the

qualities and practices of self-care, it grants permission for others to take the steps necessary for their own self-care. Imagine an office full of people who can sharpen their saws and be their best selves through the inevitable and unavoidable stresses we all endure.

Whether an organization has a formal program around self-care, or exhibits a culture of such behavior, it has a positive impact on recruiting and retention efforts as well. The benefit of practicing self-care in the workplace is well-founded. Numerous studies show employees who engage in such activities are more satisfied with their jobs, have lower rates of absenteeism, report lower levels of stress, and are more engaged at work.

Furthering that point, the current workforce—especially those recently entering it—expect to be able to incorporate

A photograph of a person walking a dog on a beach. The Golden Gate Bridge is visible in the background, and the water is calm. The text is overlaid on the top half of the image.

WHEN LEADERS EXHIBIT THE QUALITIES AND PRACTICES OF SELF-CARE, IT GRANTS PERMISSION FOR OTHERS TO TAKE THE STEPS NECESSARY FOR THEIR OWN SELF-CARE.

healthy behaviors into their integrated professional and personal lives.

Identifying Patterns

The human existence is one of rhythms and cycles. Ideally, we cycle through “energy spend” (catabolic) and “energy restore” (anabolic) patterns in ways that allow us to maximize all aspects of ourselves. Our modern lives do not make this easy.

By default, we go through a barrage of catabolic events every day. Waking up to an alarm clock in the morning; consuming caffeine throughout the day; processing and responding to stimuli like email, meetings, traffic, relationships; hurriedly eating less-than-ideal food (if at all), being bombarded with electromagnetic stress all

day, then bringing it back down with some alcohol at night. Add it up and you have yourself one heck of an energy expenditure footprint! And what has been done throughout the day to counter those catabolic events?

Neither our bodies nor our minds operate optimally when forced to withstand a continuous cycle of catabolic (stress-inducing) activities without any anabolic (rest-inducing) activities. It is imperative that we identify the patterns in our lives and interject moments of rest to ensure we have a flow of energy that supports us.

When we can identify the patterns that limit us, we can then devise a plan to intervene. Awareness is the first key to success. So, what should we be paying attention to? Our

bodies give us all the feedback we need to know when it's time to interrupt a pattern.

The following is a guide to the various ways your body may be telling you that it is time to identify some patterns to be disrupted. We call these our Bodily Navigation Stars.

- Mood
- Energy Levels
- Mental Acuity
- Respiration Rate
- Heart Rate
- Muscle Tension
- Sleep Quality

Plan Your Work, Work Your Plan

It may be obvious to you already which patterns you need to begin disrupting. Getting started and being consistent can be quite a different story. For that purpose, I would like to share six wellness tenets as a framework from which you can devise and execute your plan.

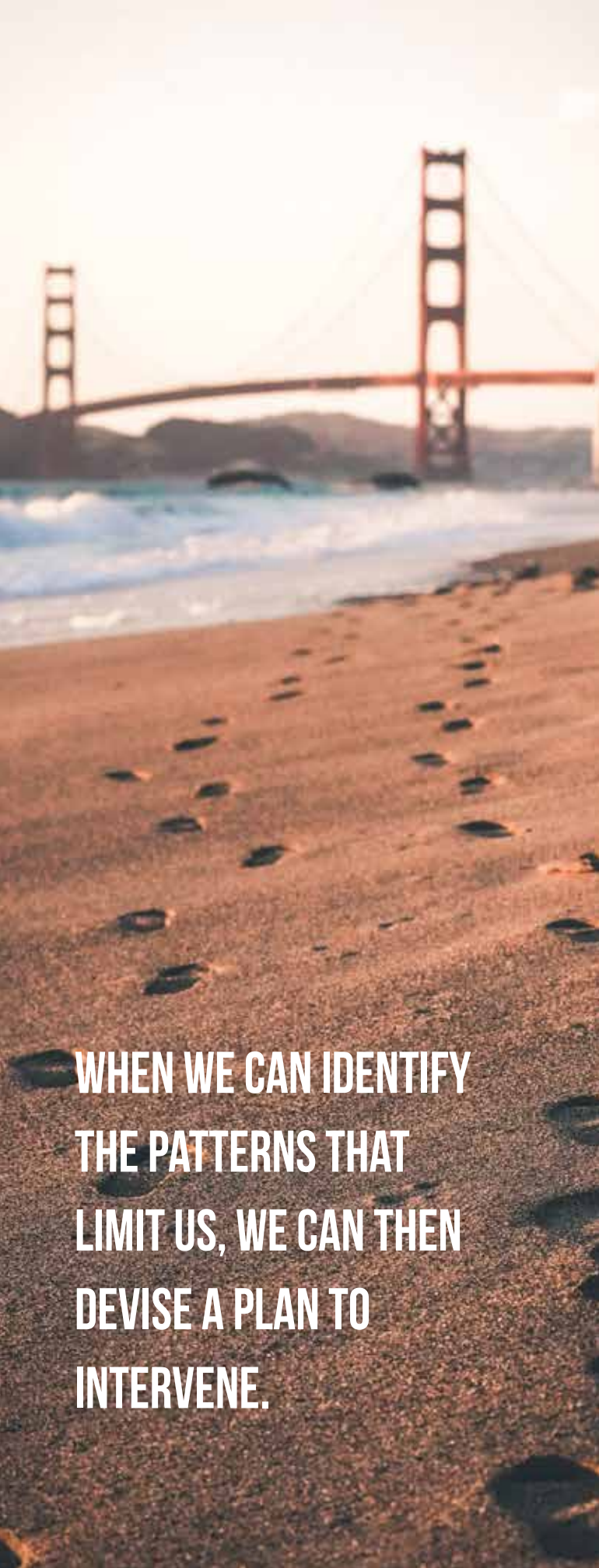
The following are the six tenets along with a summary of ways to use them to disrupt negative patterns.

Thoughts: Our brains are either creators or saboteurs to all that we do in our lives. Becoming clear on our overall purpose and setting intentions around that purpose lays a foundation that guides our decision-making. The practice of mindfulness is a key element to this tenet. When we are mindful of our bodily navigation stars—and to the thoughts, words, and actions we take throughout the day—we are better positioned to identify negative patterns and to intervene sooner than later.

Breathing: It is something we do from the first day to the last day of our lives. Perhaps its omnipresence in our lives makes us take it for granted. But if we do, we not only create a negative internal environment but we also miss out on this tremendous tool. The simple act of bringing

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LIVES IT HAS A POSITIVE
EFFECT THAT EXTENDS
WELL BEYOND OURSELVES;
IT BENEFITS EVERYONE
AROUND US.





**WHEN WE CAN IDENTIFY
THE PATTERNS THAT
LIMIT US, WE CAN THEN
DEVISE A PLAN TO
INTERVENE.**

your attention to your breathing and establishing proper breathing patterns will serve you in a multitude of ways. In short, breathe with your diaphragm, allowing your belly to rise on your inhale and sink on your exhale.

Hydration: Our bodies are made up of approximately 60 percent water, with our brain, heart, and lungs made up of 70-80 percent water. Water is the primary building block of cells. It helps the body to digest food, process and eliminate waste, and a whole lot more. With all that water does for us it should not be surprising that being dehydrated by just 2 percent has a negative impact on cognitive function. The general guidance on water consumption is to have it be the liquid you drink in the highest volume. Beyond all the benefits your body and mind receive from drinking water, it is also a great way to interrupt negative patterns. A break to walk to get a drink of water and to mindfully drink that water is a multi-beneficial action.

Nutrition: It goes without saying that food is a critical part of our well-being. While getting the best, most nutritious food at every meal is not always as practical (or desired), there are many steps that can be taken to have food do more than just fill our bellies. An emphasis on eating real food and limiting edible food-like substances goes a long way to giving us the energy we need to sustain us. Regardless, take the time to express gratitude for the food you are about to eat and for those that helped get it to you. Eat slowly and mindfully. And perhaps most importantly, pay attention to your Bodily Navigation Stars after you eat. It is the feedback you need to make improvements and is a mindful practice. Even more multi-beneficial actions!

Movement: It is important to note that the tenet is not called exercise. While exercise can have tremendous benefits, it can also be daunting for a variety of reasons. But there is always time in the day to break the negative pattern of being stagnant. Our bodies are designed to move and when they do not get proper movement a litany of problems can arise.



Movement can be as basic as a walk, or some light stretching intermixed to break up long periods of not moving.

Rest: If there is one thing that I wish could be bestowed upon everyone is the ability to get quality restful sleep. One way to support better sleep is to have rest throughout the day. Breaking the patterns of constant catabolic activities within the day better prepares us to sleep at night. Our ability to get to sleep is a key indicator of how we treated ourselves during the day. We get stronger at rest. Making time for rest breaks in the day and incorporating activities in support of the previous tenets will set you up for better sleep. Making quality sleep a priority can support your initiative to make the behavior changes during the day that will impact your sleep.

Keys for Success

This can all seem so daunting and impossible to incorporate. Some pointers to fend off discouragement:

1. Become clear on why you want to make a change.
2. Recognize that small changes can make a big difference. It does not take as much time as you think.
3. Have a mindset of transformation.
4. Pick one thing, the easiest thing, the thing you enjoy doing as a starting point. Don't try to conquer everything with one fell swoop.
5. Be kind to yourself. Starting with how you talk to yourself, use words of kindness and compassion.

Take care of yourself!

Michael Susi is the director of wellness at LinkedIn, where he started the program in 2011. Previously Michael owned his own company providing online exercise and nutrition plans to individuals. He also worked in a variety of sales and marketing roles, was a personal trainer and coached college football.



DEVELOP YOUR

WORKDAY MINDSET

Drew Amoroso

Take a moment to think about your typical workday.

If you look closely, every workday is simply a series of hundreds of mini-situations you must think through in order to make it through the day:

- * How do I deal with a challenging client?
- * How do I address my lack of motivation around this particular task I have to complete?
- * How do I build a schedule today that will help me eliminate distractions and complete my most important projects?

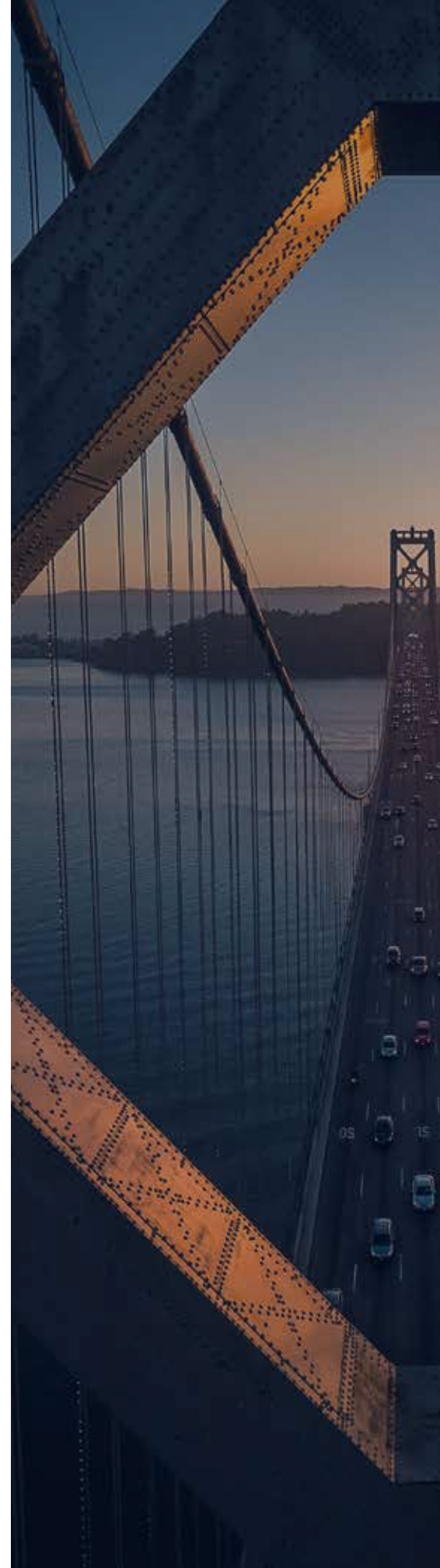
It turns out that the way we think about and respond to these situations generally determines the kind of day we have. A “successful” day usually consists of having approached these situations in a way that allowed us to manage and deal with our thoughts about the situation in a constructive and positive way.

At my company DueCourse, we call this Workday Mindset. Your Workday Mindset is an established set of beliefs and attitudes you use to process information and respond to situations at work. It helps shape your focus, guide your decisions, and influences your outlook.

Your Workday Mindset is like a filter through which you pass all of your thoughts. Each of us has the ability to decide how we want to think about and respond to what happens at work, and the more attention we pay to the way we think, the more intentional we'll be about the way we act.

Here's another way to think about it: Your Workday Mindset is like a filter through which you pass all of your thoughts. Each of us has the ability to decide how we want to think about and respond to what happens at work, and the more attention we pay to the way we think, the more intentional we'll be about the way we act.

Consider, for example, a common situation we can all relate to: receiving constructive feedback. It's easy to view receiving feedback as a situation to be avoided, given the potential it has to sting and leave us feeling criticized or disappointed with our performance. But at the moment we receive feedback, we each have the ability to apply a certain mindset that allows us to view feedback as an opportunity to improve and grow professionally. It's a choice we can make based on the attitude we have about the value of such information.





There are hundreds of Workday Mindset principles and concepts you could consider in an effort to improve how you think at work, but here are three general concepts and related action steps you can take to start putting these ideas into practice.

Concept #1: Situational Awareness

In the workday context, situational awareness is the ability to be present and recognize an opportunity, in the moment, to think or act with intention. In other words, rather than simply reacting, you have the presence of mind to acknowledge that you're in a challenging situation where you can deploy a type of thinking that will help you navigate through that moment.

Try this: One way to hone your situational awareness is to practice what we call First Thought, Second Thought, First Action. Here's how it works: It's hard to control the first thought that comes to mind (if I tell you to not think

If you want to change the way you respond to a certain workday situation, try to catch yourself having that first thought, insert a constructive second thought, and then act with intention.

of a big pink elephant, it's nearly impossible to not picture one immediately), but we generally do have control over our second thought and the first action we decide to take. So while we might not be able to change our immediate thoughts about a situation we encounter, we do have the ability to change what happens after that.

Consider our constructive feedback example. In the context of a workday, you might not have control over the first thought you have, e.g., I don't really want to listen to this constructive feedback I'm about to receive. But you do have the ability to direct your second thought—I can use this feedback to

get better. You can also direct your first action—I'm going to listen with intent and think about how to apply the feedback in the future.

If you want to change the way you respond to a certain workday situation, try to catch yourself having that first thought, insert a constructive second thought, and then act with intention.

Concept #2: Focus on Small, Daily Wins

Unfortunately, many of us spend a large portion of our day in a state of stress and thinking about all of the things that are not going well. We constantly feel behind, are focused on things that aren't going well, and end up leaving the day thinking about all of the things we didn't get done. We spend little time, if any, thinking about all that we accomplished. It turns out though that our brain is incredibly receptive to even small amounts of time spent acknowledging "wins" or things that went well during the day—a positive conversation you had with a colleague, progress made on an important project, or a client who expressed satisfaction with your work—the science behind how our brain works tells us that focusing on small wins helps build momentum, improve confidence, and lead to a happier workday.

Try this: At the end of your workday, spend a few minutes identifying things that went well that day. Rather than focus on what you weren't able to accomplish, shift your focus to the things you did accomplish and take a moment to celebrate those wins.

Concept #3: Start the Day with Intention

Think about how you start your workday. What's your process for deciding what you're actually going to do that day? Many of us start our workday by diving headfirst into whatever is within our field of vision—responding to

emails, returning phone calls, knocking out small, mindless tasks—without taking any time to think through how we actually want to spend our time.

Instead of starting the day with whatever is right in front of you, consider spending the first few minutes of your work morning thinking about what you want to accomplish that day. In other words, move into the day with intention and a clear purpose for what you want to do that day.

Try this: One of my favorite ways to exercise intention in a workday is what we call an Open Up Checklist. The idea is simple: Create a list of three to five things you do each day to start the day with planning. Your list could include things like:

- Review your calendar for that day and the rest of the week.
- Identify one or two key projects you want to work on that day.
- Block off a distraction-free time block on your calendar (start with thirty minutes) to work on those key projects.
- Identify one thing you'll do that day to take care of yourself at work (drinking water, getting up from your desk at least once an hour, taking a fifteen-minute break to walk around the block).

The idea is to keep your list short and repeat this routine every morning before actually starting your work. Taking steps like this not only gives you clarity about what you need and want to work on, but it allows you to be an active participant in shaping your workday.

Drew Amoroso is an attorney, public speaker and founder of DueCourse. DueCourse is a mobile application that's changing the way professionals think at work, specializing in workday mindset and situational skill building.



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GETTING SWORN IN

Taking the Oath
on Your Own Terms

Erin McDermott



uzzah, you've finally passed the bar exam! It's time to take your lawyer's oath. Would you like to A) Line up with hundreds or maybe thousands of other newbies, right hand raised to repeat the words en masse in an auditorium as part of an industrial ritual; Or B) Surround yourself with friends, family, and everyone who cheered you on in your arduous trek, as you deliver your sacred professional vow in the comfort of your home, possibly just feet away from a spread of fancy cheeses and celebratory beverages?

In a rush to once and for all approach the bench, lawyers-to-be filling out the admission paperwork of the State Bar of California might skim past a decidedly personal option for their swearing-in: It can be performed by a notary, pretty much anywhere you want.

Tracy Warner went that route in December. After word came a few weeks earlier that she passed the state's notoriously difficult bar exam, she wanted a more intimate setting than the jumbo-sized biannual ceremony. While she was hunting for a judge who would be free to administer the required oath, she mentioned it to her lawyer friend John O'Grady.

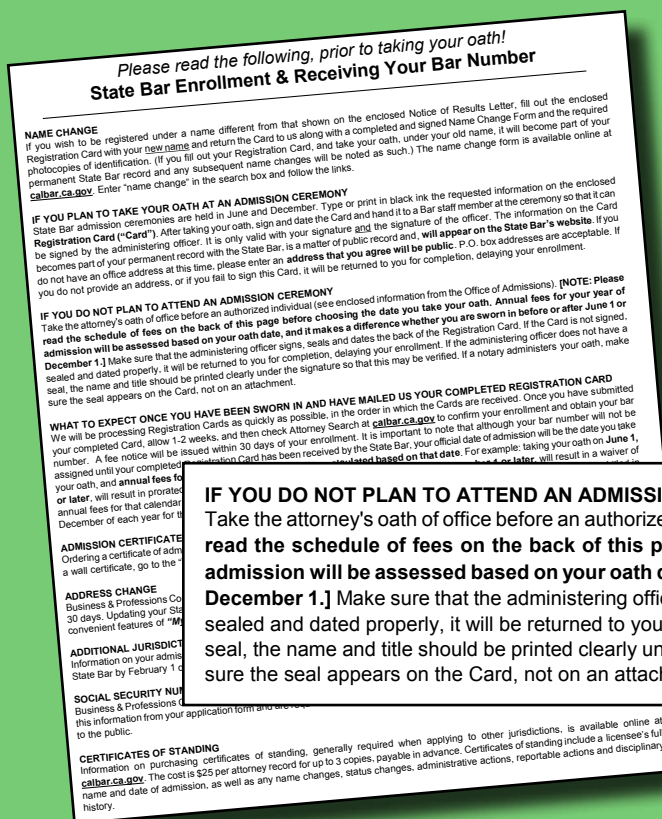
He thought of something that is right there on the back of the form from the State Bar:

"IF YOU DO NOT PLAN TO ATTEND AN ADMISSION CEREMONY

Take the attorney's oath of office before an authorized individual (see enclosed information from the Office of Admissions). Make sure that the administering officer signs, seals and dates the back of the Registration Card. [...] If a notary administers your oath, make sure the seal appears on the Card, not on an attachment."

"No one I know has ever heard of it," O'Grady says. "No notary. No lawyer I know. I only discovered that you could use a notary because I wanted to swear Tracy in and I researched it. And it worked!"

It's not only a notary or a judge who can administer the oath in California. Bar rules allow state lawmakers, county officers and their deputies, mayors, and the "clerk of any



Detail from the California State Bar enrollment information form, detailing options for new lawyers who do not plan to attend an admission ceremony. Alternative options to swearing-in ceremonies are even more important now, in light of the COVID-19 pandemic and the importance of social distancing.

court of record,” but not lawyers. Even a shorthand court reporter is authorized to do it, among others. And that gives an opening for those who don’t have, say, the Speaker Pro Tempore of the Assembly on their speed dial when they’re looking for a less officious method for a solemn swearing-in.

It’s not entirely clear how many new lawyers may be taking these swearing-in paths less traveled. Representatives at both the State Bar and the California Lawyers Association said they don’t keep track. But it is easy to see why someone might want simple, convenient alternatives, particularly for those with job offers pegged to start well before the June and December mass oath-taking gatherings. Or those feeling the heat from the approaching Godzilla of payment due-dates on what could be hundreds of thousands of dollars in student-loan debt. According to the National Center for Education Statistics data, the average loan burden from law

school alone was \$138,000 in the 2015-16 academic year (the latest available).

Or maybe it’s just nice to be able to savor the moment that marks your achievement after a grueling few years, with only the people you want with you, in a place where you appreciate it all the more.

“It was so long a journey and so overwhelming a process, so it really meant a lot to be able to do this in a personal setting and among friends,” Warner says. She’d spent a decade teaching second-graders before she made her major career change. “I always felt well suited for the legal profession and had committed to teaching while I was very young. I maybe made that decision too young.” She swapped one classroom for another, going full time to law school for three years. And that’s why this past December, on a Friday night in the height of holiday party season, O’Grady and his longtime



Tracy Warner, surrounded by friends at home, taking her oath of office during a private ceremony.

traveling notary, Tim Breen, found themselves arriving at a celebration Warner had thrown to mark her passing the bar exam.

“Everyone was eating and drinking some beers and having a good time and enjoying the night. Tim had a jacket on—I didn’t,” O’Grady said. “We’d never administered an oath before. It was so much fun. We had no idea what we were doing. We just found our way through it.”

There, in front of a dozen or so friends, and with someone capturing it on video to send to her family in Canada, Warner raised her hand and swore she’d support the U.S. and State Constitution, faithfully discharge her duties to the best of her knowledge and ability, and conduct herself at all times with dignity, courtesy, and integrity.

O’Grady followed that with a personal oath he ginned up, happily leading Warner with vows that began:

“Please repeat after me. I, Tracy Warner, take thee, the law, to be my chosen profession until I decide to do something else.

For better and for worse,
knowing that sometimes things will suck,
but that I have already conquered many obstacles
because I persist,
especially when I have enough chocolate.

For richer and for poorer,
I will edit long and hard because I know that every
word matters . . .”

Then everybody cheered the new officer of the court and the party really got going, with something even more unconventional—and perfectly cathartic: Warner started burning her bar-exam study materials in her fireplace.

“We all took turns ripping out pages from the piles of study books I had and we had a big fire going all night,” she said. “It was very satisfying, and something I had looked forward to doing all throughout my studies.” She started working at Oakland’s Haapala, Thompson & Abern several weeks ago.

O’Grady said it was all a long way from his own swearing-in festivities in an auditorium, which he hardly remembers.

“This is a way to connect with your community, with your loved ones, as you get sworn in. And it’s a way to be creative, and we lawyers sometimes focus too narrowly on the technical aspects of our work,” he said. “Law school is all about killing certain creativities and fostering others.”

“As a lawyer, it was the most fun I had all year.”

Erin Friar McDermott writes about business, law, tech, and all of the weirdness in between. She’s worked for The Wall Street Journal and National Geographic, and is an editor at The Daily Beast.

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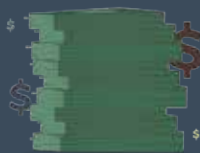


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WOMEN IN TRIAL

PART III

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Trial Training Initiative

Jill McInerney



oris Cheng concluded her year as 2019 Bar Association of San Francisco (BASF) board president by hosting the third installment of her Women in Trial initiative. Cheng, widely recognized as a trial lawyer advocacy skills trainer, devoted this last training to women working as court-appointed counsel in San Francisco's juvenile dependency and juvenile delinquency courts.



This in-depth training provided the opportunity for professionals from very different backgrounds to truly appreciate and value each other's work, form connections, and build a more powerful legal community.

The two-day training, Advanced Trial Skills for Dependency and Delinquency Panel Lawyers, was tailored to the unique needs of attorneys deep in the trenches of juvenile court. Instead of the typical training curriculum, Cheng worked from a child abuse fact pattern so that the attorneys would be honing their skills using a unique set of facts they encounter on a day-to-day basis. Cheng also incorporated sessions on the use of expert witnesses. This advanced-level training was necessary to fit the needs of the participants, for whom trials are a routine part of their practice. The experience level of the lawyers ranged from seven to thirty years. As senior attorney Edna Henley explained: “I’ve been representing children in dependency court since before formal representation for children existed—about thirty-five years.”

Needless to say, there was some question as to whether a polished, high-profile litigator like Cheng had anything to teach these veterans of an obscure area of law serving the most marginalized members of our community. Those questions vanished a few minutes into Cheng’s

unrehearsed closing argument. Captivating the room, Cheng effortlessly wove together the familiar facts of a juvenile dependency case—a baby with unexplained and seemingly intentional injuries—into a compelling narrative of an innocent mother being wrongly separated from her child. Later Henley said, “I didn’t really think I would get much out of this. Boy was I wrong! Even at my age, I came away with a lot of new skills.”

Keker, Van Nest & Peters generously provided conference rooms, hospitality, and technical support throughout the two-day program. For court-appointed counsel, the space created the climate of a luxury retreat, an environment rarely experienced by attorneys who typically meet with clients in public housing, run-down school meeting rooms, or substance abuse rehabilitation facilities.

Cheng recruited the highest-caliber trial trainers, including the Honorable Monica J. Wiley, the Supervising Judge of the Unified Family Court; and the Honorable Linda Colfax, who spent her second year on the bench presiding



"I WAS THRILLED TO BE ABLE TO PARTICIPATE IN THIS EVENT AND CONTRIBUTE TO THE EDUCATION OF OUR DEPENDENCY AND DELINQUENCY ATTORNEYS."

Judge Monica Wiley

over dependency court proceedings. This all-star faculty team also included litigators from prestigious corporate firms: Michael Kelly from Walkup, Melodia, Kelly & Schoenberger; Geoff Gordon-Creed of Gordon-Creed, Kelley, Holl & Sugarman; Nancy Pritikin of Sheppard Mullin; Michon Spinelli of Ropers Majeski Kohn Bentley; and Maureen Harrington of Greenfield Southwick. Cheng expressed her gratitude for her faculty: "I am grateful and humbled by their generosity, energy, and sage wisdom. It was an extraordinary program, making a difference for

people who will immediately apply the different techniques they learned."

The feedback from the participants reinforced this idea. Delinquency attorney Sidney Hollar said, "I can't thank Doris enough for organizing the women's trial skills training. I learned so much from each of the leaders. The practice sessions were intimidating, but very helpful exercises. Yesterday, I had a *Dennis H.* hearing and used what I learned from the impeachment training. The training also gave me more confidence." Mariko Nakanishi from the dependency panel reflected these same sentiments: "It was challenging, inspiring, and helpful all at the same time."

Judge Colfax summed up the event: "I so enjoyed having the opportunity to learn and teach with such incredible trial attorneys ... I also felt inspired to see how many dependency and delinquency attorneys showed up to improve their skills and hone their craft ... these lawyers devote their lives to serving families in need of services and legal assistance, all for a pay substantially below what most attorneys earn."

Ultimately, the event was the hallmark of BASF at its best: cultivating the legal community's wealth of resources to invest in our public service lawyers. This in-depth training provided the opportunity for professionals from very different backgrounds to truly appreciate and value each other's work, form connections, and build a more powerful legal community. Judge Wiley envisions this as the beginning of a more consistent and ongoing partnership: "I was thrilled to be able to participate in this event and contribute to the education of our dependency and delinquency attorneys. I hope the court can continue to support these important trainings in the future."

Jill McInerney is the dependency representation program manager at BASF. She is a child welfare law specialist certified by the National Association of Counsel for Children and the American Bar Association and accredited by the State Bar of California's Board of Legal Specialization. Prior to her position at BASF, Jill served as an attorney on BASF's court-appointed juvenile dependency panel for fifteen years.



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RACISM AND XENOPHOBIA ARE DEPLORABLE AND UNDERMINE COLLECTIVE EFFORTS TO FIGHT THE CORONAVIRUS PANDEMIC

March 24, 2020, San Francisco—The Bar Association of San Francisco and the Justice & Diversity Center condemn racism and xenophobia in the face of the coronavirus (COVID-19) pandemic.

Since COVID-19 began to spread, there has been a surge in racist and xenophobic comments and behaviors targeted at people who identify or present Asian American.

It is especially disheartening to witness elected officials, including President Trump, spread racist tropes and false and misleading information that fuel hateful speech and actions. This type of rhetoric and misinformation is not new, as public health emergencies like this one have frequently been racialized in the past.

The stakes are simply too high to allow racism and xenophobia to distract from what is most vital: Focusing our collective energies on getting through this pandemic and lifting up the most vulnerable among us.

###

The Bar Association of San Francisco (BASF) is a nonprofit voluntary membership organization of attorneys, law students, and legal professionals in the San Francisco Bay Area. Founded in 1872, BASF enjoys the support of more than 7,500 individuals, law firms, corporate legal departments, and law schools. Through its board of directors, its committees, and its volunteer legal services programs and other community efforts, BASF has worked actively to promote and achieve equal justice for all and oppose discrimination in all its forms, including, but not limited to, discrimination based on race, sex, disability, and sexual orientation. BASF provides a collective voice for public advocacy, advances professional growth and education, and attempts to elevate the standards of integrity, honor, and respect in the practice of law.

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