

# WORKSHOP MATERIALS

Caring For Yourself So You Can Care For Others

Saturday, June 9, 2012 8:30 am – 10 am Suite 300/400

## SIGNS AND SYMPTOMS OF IMPAIRMENT

## 5 MAJOR AREAS:

Behavioral

Physical

Psychological

Spiritual

Professional

Focus on the changes in these areas.

## I. Behavioral

- Isolates: doesn't attend functions; avoids interpersonal contacts; works with the door closed; is absent from the office without notice
- Arrives late; leaves early
- Doesn't initiate contacts
- Gets lost in conversations
- Is forgetful
- Appears confused
- Angry outbursts at staff, colleagues, witnesses, attorneys
- Changes in spending habits
- Harasses staff
- Personal appearance changes; e.g., becomes sloppy, cosmetic surgeries, personal hygiene suffers
- Skips routines
- Drinks too much; smells of alcohol
- Traffic/parking tickets
- Injured in accident(s)
- Eating changes
- Crying
- Compulsive behaviors
- Avoids eye contact
- DUI

## II. Psychological

- Depressed
- Loses sense of humor
- No energy
- Emotionally withdrawn; "not available"
- Overwhelmed
- Expresses suicidal thoughts
- Mood swings; unstable and unpredictable
- Blames others

## III. Physical

- Weight gain; loss
- Shakiness; jittery
- Dizziness
- Irritable
- Paranoid
- Heart palpitations
- Sweaty
- Cold or hot constantly
- Bloodshot eyes
- Changes in complexion; e.g. flushed
- Constant motion
- Lethargy
- Looks worried
- Slumped posture

## IV. Spiritual

- Sarcastic
- Pessimistic
- No joy.
- Doesn't seem to care
- No initiative
- Despair
- Grandiose

## V. Professional

- Misses deadlines
- Needs reminders
- Staff covers for
- Colleagues/staff have concerns
- No follow-through
- Procrastinates
- Lowered productivity
- Chaos
- Becomes disorganized; office a shambles

## Signs, Symptoms, and Questions

#### DEPRESSION

- Appears sad
- Withdrawal from friends or pleasurable activities
- · Low energy, fatigue, or agitation
- · Overeating or poor appetite
- Too much or too little sleep
- Difficulty making decisions or poor concentration
- Expressions of hopelessness
- Self-deprecating comments; expressions of guilt
- Comments about death, suicide, or about giving things away, putting things in order, etc.

## Other Indicators of a Depressive Problem:

- Avoidance
- Absenteeism
- Self-medication

## Areas for Inquiry: (Sample questions)

- "I've noticed you look a little down, lately. How are you feeling?"
- "How is your workload? What are you finding helpful in terms of managing everything?"
- "How can I help?"
- "It sounds like you're feeling that life is not worth living."
- "Are you thinking about killing yourself?"

#### MANIA/HYPOMANIA

- Grandiosity, irritable mood
- Decreased need for sleep
- More talkative than usual or a pressured quality to speech
- Ideas flying all over the place
- Highly distractible
- Increased activity work, social engagements, sexual behavior
- Engaging in high-risk behavior: e.g., buying sprees, engaging prostitutes, foolish business investments

### Areas for Inquiry:

- "How's your energy level lately? Are you noticing any changes?"
- "Is your staff or family giving you any unusual feedback?"
- "What does your physician say about \_\_\_\_?"

## ANXIETY and/or AVOIDANCE

## Panic Attack: Symptoms can mimic a heart attack:

• Palpitations, sweating or chills, shaking, chest pain, shortness of breath, feeling of choking, nausea, lightheadedness, fear of losing control, fear of dying, tingling

## Generalized Anxiety Disorder

- Excessive worry, difficulty controlling it
- Restless or on edge
- Easily fatigued
- Mind going blank, difficulty concentrating
- Irritability
- Muscle tension rubbing muscles
- Sleep disturbance

## Other Indicators of an Anxiety Problem:

- Excessive procrastination, lateness
- Avoiding difficult or unpleasant tasks, cases, people
- Absenteeism
- Self-medication or abuse of prescription meds
- Perfectionism

## Areas for Inquiry:

"Sounds like there's a lot going on right now. How are you managing?"	
"What have you found helpful in terms of winding down and relaxing at the end of	the day?"
"What happens when things feel like 'too much?"	
"What happens to your work when you're feeling particularly worried?"	
"What does your physician say about?"	

NOTE: Symptoms of depression and anxiety can be side-effects of certain medications or health problems. Always ask about physical health and encourage them to see a physician if they have not already done so.

## Responding to Hostile Email by Bill Eddy, LCSW, Esq.

Hostile mail – especially email – has become much more common over the past decade. Most of this mail is just "venting," and has little real significance. However, when people are involved in a formal conflict (a divorce, a workplace grievance, a homeowners' association complaint, etc.) there may be more frequent and intensely hostile mail. There may be more people involved and it may become legally significant. You would be amazed at the embarrassing hostile emails that show up in court cases these days. Therefore, how you handle hostile mail may impact the future of long-term relationships and the outcome of a case. The following are some suggestions based on my experience with high conflict people:

#### 1. Do you need to respond?

Much of the hostile mail today does not need a response. Letters from (ex-) spouses, angry neighbors, irritating co-workers, or attorneys do not usually have legal significance. If someone says nasty things about you or someone else in a letter, the letter has no power, unless you give it power. Often, it is designed to get you engaged in a battle of emotional venting for the sake of relieving the writer's anxiety.

Generally, responding with similar emotions and hostility will simply escalate things without satisfaction, and you will just get a new piece of hostile mail back in return. In most cases, you are better off not responding. However, some letters and emails develop power when copies are filed in a court or complaint process – or simply get sent to other people. At that time, it may be important to respond to inaccurate statements of fact with accurate statements of fact (leaving out your opinions). Therefore, sometimes you need to respond.

#### 2. Don't Respond Emotionally

Brain research shows that our ability to think rationally is impaired when we are very upset—and hostile mail can trigger many emotions. Therefore, you do not want to respond until you have recovered from these emotions. This is a common mistake people make in quickly responding to hostile e-mails. Calm yourself down first, either by taking a break, getting some exercise, doing another project, talking to a friend or neutral relative, etc.

#### 3. Determine Your Goal Before You Write

Is your goal to get the other person to do something? If so, focus on what you want the person to do – not on what he or she did wrong. For example, if a neighbor has been loud, request that the person try to keep it quiet during specific times that are important to you. Avoid focusing on comments about the person's character, such as saying he or she is rude, insensitive, or stupid. These do not motivate high conflict people. Once you have identified your goal, I recommend writing a B.I.F.F. response: Brief, Informative, Friendly and Firm.

#### **BRIEF**

Keep your response brief. This will reduce the chances of a prolonged and angry back and forth. The more you write, the more the other person will be tempted to criticize in your writing. It also signals that you don't wish to get into a dialogue. Just make your response, then end your letter.

Don't take their statements personally (even if they were intended as personal attacks) and don't respond with an item-by-item personal attack. It just escalates the conflict and keeps it going and going and going.

You don't have to defend yourself to someone you disagree with. If your friends still like you, you don't have to prove anything to those who don't.

#### **INFORMATIVE**

The main reason to respond to hostile mail is to correct inaccurate statements which might be seen by others. "Just the facts" is a good idea. Focus on the accurate statements you want to make, not on the inaccurate statement the other person made. For example: "Just to clear things up, I was out of state on a trip on February 12th, so I would not have been the person who was making loud noises that day."

Avoid negative comments, like little digs. Avoid sarcasm. Avoid threats. Especially avoid personal remarks, like those about someone's intelligence, ethics or moral behavior. If the other person has a "high conflict personality," you will have no success in reducing the conflict with personal attacks. While most people can ignore personal attacks or might think harder about what you are saying, high conflict people feel they have no choice but to respond in anger – and keep the conflict going and going. Personal attacks rarely lead to insight or positive change.

#### **FRIENDLY**

While you may be tempted to write a response in anger, you are much more likely to reach your goal by writing in a friendly (and brief) manner. Consciously thinking about a friendly response will increase your chances of getting a friendly – or neutral response – in return. If your goal is to end the conflict, then being friendly has the greatest likelihood of success.

This does not mean that you have to be overly friendly. Just make it sound a little relaxed and non-antagonistic. Make it sound like you recognize their concerns. Brief comments that show your Empathy, Attention and Respect (E.A.R.) will generally calm the other person down, even if only for a short time.

#### **FIRM**

In a non-threatening way, clearly tell the other person your information or position on an issue. (For example: "That's all I'm going to say on this issue.") Be careful not to make comments that leave the door open to more discussion, unless you are negotiating an issue or want to keep a dialogue going back and forth. (Avoid comments that leave an opening, such as: "I hope you will agree with me that this does not need further discussion." This invites the other person to tell you "I don't agree.")

Sound confident and don't ask for more information, if you want to end the back-and-forth. A confident-sounding person is less likely to be challenged with further emails. If you get further emails anyway, you can ignore them, if you have sufficiently addressed the inaccurate information already. If you need to respond again, keep it even briefer and do not emotionally engage. In fact, it often helps to just repeat the key information using the same words. ("As I said in my email of March 6th, that is all I am going to say on this subject.")

#### Example

Joe: "Jane, I can't believe you are so stupid as to think that I'm going to let you take the children to your boss' birthday party during my parenting time. Have you no memory of the last six conflicts

we've had about my parenting time? Or are you having an affair with him? I always knew you would do anything to get ahead! In fact, I remember coming to your office party at the last job and witnessing you making a total fool of yourself in front of everyone – including flirting with everyone from the CEO down to the mailroom kid! Are you high on something? I think you have a personality disorder! Haven't you gotten your finances together enough to support yourself yet, without flinging yourself at every Tom, Dick and Harry? ..." [And the email goes on like this for about 2 pages.]

Jane: "Thank you for responding to my email request to take the children to my office party. Just to clarify, the party will be from 3-5 on Friday at the office and there will be approximately 30 people there – including several other parents bringing school-age children. There will be no alcohol, as it is a family-oriented firm and there will be family-oriented activities. I think it will be a good experience for them to see me at my workplace. Since you do not agree, then of course I will respect that and withdraw my request, as I recognize it is your parenting time." [And that's the end of her email.]

Comment: Jane simply provided factual information, kept it brief, and did not engage in defending herself in response to Joe's many accusations. Since this was just between them, she didn't need to respond. If he sent this email to friends, co-workers or family members (which high conflict people often do), then she would need to respond to the larger group with more information, such as the following:

Jane: "Dear friends and family: As you know, Joe and I had a difficult divorce. He has sent you a private email showing correspondence between us about a parenting schedule matter. I hope you will see this as a private matter and understand that you do not need to respond or get involved in any way. Almost everything he has said is in anger and not at all accurate. If you have any questions for me personally, please feel free to contact me and I will clarify anything I can. I appreciate your friendship and support."

Comment: Again, Jane has kept it brief, informative, friendly and firm. With other people involved, it is important to keep a door open for communication and show a willingness to correct any misconceptions, if necessary. There is no need to address all of Joe's allegations in this group email, as it will just escalate the dispute and other people will feel they have to get involved.

The above example has the man sending the hostile email. My experience in many court battles is that hostile mail is fairly equally sent by men and women – and both men and women have a hard time not getting engaged in these battles.

This example also includes a reference by Joe that he thinks that Jane has a personality disorder. While I write books and give seminars on the topic of personality disorders in legal, workplace and neighbor disputes, I strongly advise against telling someone that you think they have a personality disorder. The goal is to understand the patterns of behavior and use this information to handle the person and solve the problem – not publicly label people. Those who are eager to say "you have a personality disorder" are more likely to be those with personality problems themselves.

#### Conclusion

Whether you are at work, at home or elsewhere, a B.I.F.F. response can save you time and emotional anguish. The more that people handle hostile mail in a manner such as this, the less hostile mail there will be.

## When Procrastination Rears Its Ugly Head

by Dan Crystal

rocrastination and lawyering seem to go hand in hand. Legal work is intricate and precise, and legal concepts are hard to communicate to most people. This can leave you feeling alone with your burden. There are so many elements of lawyering, such as being organized, using time efficiently, being a productive writer, and being financially savvy, that may not be related to why you became a lawyer in the first place. You are likely to think, "I didn't think it would be this way." You may feel abused by your long hours in the office, thinking about other things you would like to do. If you don't attack these foreign skillsets head-on, it can generate an avoidant relationship with your work where you put off important responsibilities.

Procrastination can be draining, leading to inefficiency and causing you to wonder why work is taking so long. At its most pernicious, you may experience an inability to concentrate or organize your thoughts. I definitely had my share of nights like this writing my dissertation. This can lead to panic about everything you have to do. But keep in mind that procrastination is the mind's striving for health. It is a coping strategy when work becomes intolerable. In this article, I will offer ways of tapping your selfconfidence to combat procrastination, as well as practical suggestions like using your schedule and workspace more effectively.

## Why Do I Procrastinate?

Procrastination is an avoidance behavior, so it's not surprising that the reasons a person procrastinates are often not conscious. I have worked in therapy with lawyers hooked on Hulu.com, Facebook, and news sites, rather than writing the brief with the upcoming deadline. I also have clients with piles of old, unresolved cases who live in dread of confronting these matters. Since the reasons for procrastination will differ depending on the lawyer, the first step is to stop and ask, "Why do I procrastinate?" Since the impulse to stop working can be sudden, the answers will not always be clear. In this case, it is important to ask yourself, in that split second before leaving your computer to satisfy your chocolate craving, "What am I thinking?" Take a second to answer these questions. This is

the starting point.

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#### I Can't Do This!

The automatic thought that led you to flee your work often has something to do with self-confidence. The words may be something along the line of "I can't do this." The trick is to be able to hear this thought, acknowledge it, and come up with a practical solution. Affirming selfstatements make a difference here. Use a mantra that reminds you of your abilities. If you've thought about your mission statement as a lawyer, this is when to use it. The idea is to gently encourage yourself. Steve Pavlina, a motivational author, discusses replacing the words "I have to do this" with "I want to do this (if only to have it done)." That way, you don't feel bullied by your work, and can feel autonomous. Your office should be dotted with visual reminders of your previous successes and abilities. I remind my clients to "keep your trophies close." These are places to turn in inevitable moments of doubt.

#### Perfectionist? Use Your Schedule.

Many procrastinators are perfectionists who expect to hatch ideas from their minds all at once and perfectly formed. That is a lot of pressure to place on oneself. This is especially true of lawyers just starting out, who place the law on a pedestal and see themselves as an ant crawling up the side. Over time, you will learn to evaluate your effort less by your precision-crafted legalese and more by the outcome of your work. According to Pavlina, a way for perfectionists to take the pressure off is to replace the words "finish it" with "begin it." Work with a matter in small, bite-sized chunks.

You might expect successful lawyers to create challenging goals for themselves, but the opposite has been shown to be true. Peak performers generally set easier goals than most people. That way, they can experience a continuous sense of efficacy. Set small, realizable goals, followed by a reward. The trick with procrastination is to use the time away from one's work to be rejuvenated and not avoidant of responsibilities. Successful people generally use their schedule not just for all of their onerous responsibilities, but also for things to look forward to. These plans can help make your hard work feel worthwhile. A good meal, tickets to a show or concert, a massage — you name it.

## **Bringing Sanctity to Your Workspace**

Procrastination is, in fact, an act of prioritization. You are prioritizing your cognitive freedom (whether it involves navel-gazing or sudoku) over your work. This sometimes happens when you are burdened by so many responsibilities that a step in any given direction leads you to feel like you are neglecting several other matters. Cleaning rituals before periods of productivity can serve as a healthy pep rally, and can help sharpen your focus. Your desk can be seen as a metaphor for your mind. If your office space is cluttered with several disorganized matters, it is likely to be mirrored with several ideas competing for airspace in your mind (and vice versa). Cleanup can be a gentle, somewhat mindless ritual of moving papers around. This can help refine your focus to a single point — the matter you need to work on now. Having a system whereby you are sure that matters will be attended to can prevent the deepest form of anxiety: not knowing what you may be forgetting.

You may avoid starting a matter because the effort required to find the necessary papers, reboot your slow computer, and return several non-urgent calls is distracting. The answer is to keep your office well-oiled, with several staging areas, so that you know that each area of work has room to breathe and is living in the right corner of your small town. Then, be sure to shut off the phone and flip the Do Not Disturb sign. There are many areas in life where multi-tasking is a wonderful skill, but writing briefs is not one of them.  $\Diamond$ 

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## PRACTICE MAKING A BIFF RESPONSE

**Client:** You are very angry and believe your lawyer is taking advantage of you. That they are making a deal with opposing counsel that is not in your best interest. You are calling them several times a day and believe you are being ignored. You believe your lawyer is out to humiliate you and trying to separate you from your children by having you incarcerated. You think your lawyer thinks your guilty, whether or not this is true, and resent the violation of trust. You are convinced they have a luxury lifestyle while you struggle to figure out where to live.

**Lawyer:** You are overwhelmed by this client, especially the attacks on your character. They have you doubting your abilities as an attorney. You have been avoiding them to a degree because you don't know what to say. You also haven't been paid.

Role play this interaction. Client: please be harsh at first, but ultimately not impossible. You have a lot riding on this. Lawyer: Remind yourself that this is not personal. Practice attuning to their distress and validating their concerns. Use all three EARs. Set boundaries about how you respond to their requests. Emphasize that you will do your very best to make a compelling argument, but that some of it is beyond your control. Use all four BIFFs.