

S E M I N A R

# Practicing with Professionalism Program Materials

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# About the Faculty

JARED D. CORREIA is the founder and chief executive officer of Red Cave Law Firm Consulting in Beverly, which offers subscription-based law firm business management consulting and technology services for solo and small law firms. Red Cave also works with legal institutions and legal-facing corporations to develop programming and content. A former practicing attorney, Mr. Correia has been advising lawyers and law firms for over a decade. He teaches courses at Concord Law School, Suffolk University Law School, and Solo Practice University, and regularly contributes to legal publications. Mr. Correia is a graduate of Saint Anselm College and Suffolk University Law School.

STACEY A.L. BEST is the executive director of Lawyers Concerned for Lawyers and the Law Office Management Assistance Program (LCL | MassLOMAP) in Boston. In that role, she is responsible for the strategic direction, daily operation, and management of the staff of both the LCL and MassLOMAP. She represents and participates with key stakeholders at various agencies and committees of the Supreme Judicial Court (SJC), including the SJC standing committee on lawyer well-being, the Board of Bar Overseers (BBO), and the standing advisory committee on professionalism, to improve the quality of the legal profession. Ms. Best joined LCL after spending eighteen years with the BBO and the Office of Bar Counsel (OBC). Most recently, she served as the acting director of diversity, equity, and inclusion at the OBC. She began her career as a staff attorney in the trial division of the Committee for Public Counsel Services. She tried cases at the district and superior court levels representing indigent clients charged with felonies. Ms. Best is also a former clinical instructor at the Criminal Justice Institute at Harvard Law School, where several of her students tried cases. She enjoys mentoring and teaching in a variety of settings including continuing legal education, bar associations, and law schools. Ms. Best is a “transplant” from California to the Boston area. She is a 1995 graduate of the Boston College School of Law. When she is not working, she enjoys gardening, fishing, cooking, and riding her Harley.

SUSAN M. FINEGAN is a partner in the litigation section and chair of the pro bono committee at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC in Boston. Appointed the firm’s first pro bono partner in 2007, Ms. Finegan serves as lead counsel on numerous high profile pro bono litigation matters involving immigration issues. She also manages the firm’s pro bono efforts, consisting of over 300 varied cases throughout Mintz Levin’s eight offices. Ms. Finegan was a co-chair of the Massachusetts Access to Justice Commission for several years, and served as the chair of the Access to Justice Commission’s COVID-19 task force. From 2004 to 2007, Ms. Finegan served as legal director of the Victim Rights Law Center, overseeing free statewide civil legal services to sexual assault survivors and providing training to legal aid attorneys nationally. While previously at Mintz, from 1993 to 2004, as an associate and then a partner, she handled complex commercial cases in both state and federal trial and appellate courts. Ms. Finegan is a graduate of Dartmouth College and Boston College Law School. Following law school, she served as a law clerk at the U.S. District Court and at the Massachusetts Supreme Judicial Court.

DR. JEFF FORTGANG is a licensed psychologist and licensed alcohol and drug counselor who has become well acquainted with the lives and stresses of lawyers through staff positions at Lawyers Concerned for Lawyers (LCL | MassLOMAP) in Boston since 1998. He is a former clinical instructor in psychology at Harvard Medical School. His career has included working in and directing both inpatient and outpatient programs in the greater Boston area. Dr. Fortgang provides clinical consultations to lawyers and runs an online group for solo practitioners dealing with professional stress. He also maintains a half-time private practice in Newton and via telehealth. Dr. Fortgang is a graduate of Yale University and Adelphi University.

EVA JELLISON is a criminal defense attorney and partner at Wood & Nathanson, LLP in Boston. She represents adults and juveniles in appellate, post-conviction, and post-adjudication matters. She has particular experience in criminal and juvenile appeals, motions for new trial, and motions for post-conviction forensic testing. Ms. Jellison graduated from Northeastern University School of Law in 2013 and served as a law clerk to Chief Justice Dana Fabe of the Supreme Court of the State of Alaska before joining Wood & Nathanson in 2014. She is a member of the Committee for Public Counsel Services panels for criminal appeals and juvenile murder appeals. Ms. Jellison is a board member of the Massachusetts LGBTQ Bar Association as well as its liaison to the Superior Court and was cochair of the association's committee for transgender inclusion from 2014 to 2020.

MICHAEL KIPPINS joined Lawyers for Civil Rights (LCR) in Boston as their Lauren Sampson fellow in 2023. In this role, he represents clients in a variety of civil rights cases, including police accountability, education, employment, and climate justice. Prior to joining LCR, Mr. Kippins was at Seyfarth Shaw, where his practice included a range of business litigation and counseling, with a focus on franchise disputes, trade secret and noncompete matters, and antitrust issues. He previously served as a judicial clerk to Justice Margot Botsford of the Supreme Judicial Court and Justice R. Malcolm Graham of the Massachusetts Appeals Court. Mr. Kippins obtained his bachelor of arts in economics from Cornell University before attending Northeastern University School of Law, where he received his juris doctor.

BETHANY YUE-PING LI is the legal director at the Asian American Legal Defense and Education Fund (AALDEF) in New York, New York. She uses an innovative and multifaceted approach in collaboration with community organizers in order to litigate cases and lead advocacy work on a range of civil right issues. Ms. Li's work includes housing and displacement, workers' rights, immigration, education equity, language access, and hate violence. She began her career at the AALDEF as an equal justice works fellow and staff attorney, then taught and supervised cases in Yale Law School's veterans legal services clinic, then served as the director of the Asian Outreach Unit at Greater Boston Legal Services, before returning to the AALDEF. Ms. Li is a graduate of Amherst College and the Georgetown University Law Center.

TASHA MARSHALL is an assistant bar counsel with the Massachusetts Board of Bar Overseers in the Office of Bar Counsel. She is responsible for investigating and prosecuting complaints of attorney misconduct. Ms. Marshall is also an adjunct law professor at her alma mater, Western New England University School of Law. Before joining the Office of the Bar Counsel, she served the City of Holyoke as an assistant city solicitor, where she specialized in real estate

development and litigation. Ms. Marshall is a frequent speaker and writer on attorney well-being. She also volunteers with community service organizations that focus on mental health advocacy. Ms. Marshall is a director of the Massachusetts Black Lawyers Association.

MICHAEL J. MERRIAM is the managing attorney for the Plymouth Rock Assurance Corporation in Boston and managing director of the company's in-house counsel litigation operation through the Law Offices of Michael J. Merriam. He manages and oversees the training of attorneys and staff in Massachusetts and Connecticut and litigates tort and insurance coverage matters in courts in Massachusetts. Mr. Merriam is president of the Essex County Bar Association and a volunteer mediator in the Lynn District Court. He is a graduate of Suffolk University Law School and Stonehill College.

CHRISTINA MILLER is an associate clinical professor of law at Suffolk University Law School in Boston. She is the associate director of the school's clinical programs, leads the prosecutors program, and teaches in the areas of digital evidence and criminal procedure. Previously, Ms. Miller was chief of district courts and community prosecutions for the Suffolk County District Attorney's Office. She is a graduate of Northeastern University School of Law and Ohio Wesleyan University.

CYNTHIA T. RUNGE is the founder and owner of Peridot Family Law LLC in Boston, where she focuses on divorce mediation, family, and collaborative law. She is admitted to the bar in both Massachusetts and New York. Ms. Runge is a member of the Massachusetts Council on Family Mediation, the Massachusetts Collaborative Law Practice Group, the Family Law Section of the Massachusetts Bar Association, and the Massachusetts Association of Trial Attorneys. She graduated from Whittier College School of Law (J.D.) and Boston University (B.S.). Ms. Runge also received a certificate in museum studies from Tufts University.

PAYAL SALSBURG is a partner at Laredo & Smith LLP in Boston. She focuses her practice in the areas of business litigation, corporate advice and counsel, and white-collar criminal defense. Ms. Salsburg represents corporations, small businesses, and individuals in connection with an array of matters, including contract and business disputes, False Claims Act litigation, and government and internal investigations. She also routinely advises closely held businesses on corporate and employment matters. Ms. Salsburg is active in the Boston Bar Association, the Women's Bar Association of Massachusetts, the South Asian Bar Association of Greater Boston, and the Asian American Lawyers Association of Massachusetts. Prior to joining Laredo & Smith, she was a litigator with Proskauer Rose LLP, in the Florida and Boston offices. Ms. Salsburg is a graduate of Saint Elizabeth University, the University of Colorado at Boulder, and Nova Southeastern University's Shepard Broad Law Center.

VICTORIA M. SANTORO MAIR is a shareholder at Sweeney Merrigan Law LLP in Boston. She handles a variety of different types of cases, including pharmaceutical litigation, wrongful death, medical malpractice, and sexual assault. She also regularly handles arbitration, mediation, complex brief writing, and motion hearings. Ms. Santoro Mair serves as treasurer of the Massachusetts Bar Association (MBA). She is a past chair of the MBA's young lawyers division. A member of the Civil Litigation Section council, and a member of the Oliver Wendell Holmes

scholarship committee. In 2014, Ms. Santoro Mair received an “Excellence in the Law: Up & Coming Lawyer” award from *Massachusetts Lawyers Weekly*. In 2023, *The Best Lawyers in America* named her “One to Watch” in personal injury litigation, products liability litigation, and medical malpractice law. Ms. Santoro Mair is a graduate of Wesleyan University and Boston College Law School.

INGRID C. SCHROFFNER joined the Office of Management at the University of Massachusetts Chan Medical School in March 2020. Previously, she served as acting deputy general counsel and as associate general counsel at the Executive Office of Health and Human Services (EHS). She joined EHS as assistant general counsel in 2008 as the lead attorney for MassHealth Estate Recovery. She has written and spoken extensively in her areas of expertise, most recently on issues of unconscious bias. A native of Hawaii, Ms. Schroffner is a past president of the Asian American Lawyers of Massachusetts and served on its board from 2002–2012. Since 2012, she has served on the Supreme Judicial Court standing advisory committee on professionalism. She has also served on the MCLE board of trustees since 2019 and is cochair of its diversity and inclusion committee. *Massachusetts Lawyers Weekly* named her among its “Top Women of Law” in 2013. Ms. Schroffner graduated from Boston College (Phi Beta Kappa, summa cum laude), and Boston College Law School, where she was a recipient of the Campbell Fellowship and the White, Inker, Aronson Professional Achievement & Service Award.

SANKEETHA SELVARAJAH is the principal shareholder and managing attorney of Selvarajah Law, PC, a civil transactional firm located in Boston and New York, New York. Her practice has an emphasis on general business law and mergers and acquisitions; clients include companies within the cannabis, technology, real estate, food service, and e-commerce sectors, as well as manufacturers and retailers. Ms. Selvarajah’s primary role is as strategic advisor to clients and liaison to outside vendors. She is a frequent speaker and writer on corporate formation, business growth, and risk management topics. She is also the founder of Startup Dox, a platform designed to assist small business owners and start-up founders with strategic planning. Ms. Selvarajah was recently named as a 2022 Chase Luminary Fellow and as a 2020 Top 100 Attorney by *Top 100* magazine and is a proud ABA fellow with the American Bar Foundation. She is a graduate of the University of Buffalo and New England Law | Boston.



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# Program Agenda

Monday, November 13, 2023

9:00 a.m. – 9:05 a.m.

## **Law as a Profession: The Relevance and Importance of the Practicing with Professionalism Requirement**

- A member of the SJC’s Standing Committee on Professionalism emphasizes the value of this course, and identifies attributes and the importance of professionalism in the practice of law, while also highlighting the historical significance of Massachusetts lawyers in upholding the rule of law.  
Ingrid C. Schroffner, Esq., *University of Massachusetts Chan Medical School Office of Management, Shrewsbury*

9:05 a.m. – 9:45 a.m.

## **Professionalism in Developing, Managing, and Maintaining Relationships—and in Problem Solving**

- Your reputation takes years to build; start off right today: Civility in attorney-client relationships, attorney-to-attorney interactions, relationships with colleagues (including non-attorney staff), and communication with court and government agency personnel must all be respectful and rooted in ethical principles.  
Jared D. Correia, Esq., *Red Cave Law Firm Consulting, Beverly*—Chair  
Eva Jellison, Esq., *Wood Nathanson LLP, Boston*
- How to artfully balance the tension between zealous advocacy and the duty to conduct oneself civilly at all times; and how to diffuse difficult personalities (group session).

9:45 a.m. – 10:40 a.m.

## **Connecting with the Legal Community: Building Your Skills, Reputation, and Network through Pro Bono Work, Continuing Legal Education, and Engagement with Bar Associations**

- Supporting Access to Justice and Pro Bono Service  
Susan M. Finegan, Esq., *Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC, Boston*—Moderator  
Bethany Yue-Ping Li, Esq., *Greater Boston Legal Services, Boston*  
Cynthia T. Runge, Esq., *Peridot Family Law LLC, Boston*  
Payal Salsburg, Esq., *Laredo & Smith LLP, Boston*
- Engaging in Bar Associations and Continuing Your Legal Education  
Michael A. Kippins, Esq., *Seyfarth Shaw LLP, Boston*  
Michael J. Merriam, Esq., *Law Offices of Michael J. Merriam, Boston*  
Christina Miller, Esq., *Suffolk University Law School, Boston*  
Victoria M. Santoro Mair, Esq., *Sweeney Merrigan Law LLP, Boston*  
Ingrid C. Schroffner, Esq., *University of Massachusetts Chan Medical School Office of Management, Shrewsbury*

10:40 a.m. – 11:20 a.m.

## **Challenges and Opportunities of New Technology and Social Media**

- Maximize the benefits of technology and social media in your practice and marketing, with civility, while steering clear of potential ethical traps and pitfalls.  
Sankeetha Selvarajah, Esq., *Selvarajah Law, PC, Boston*

11:20 a.m. – 11:35 a.m.

**Break**

11:35 a.m. – 12:20 p.m.

**Implicit Bias; the Importance of Diversity and Inclusion in the Legal Profession; and Promoting Access to Justice**

- Impact implicit biases have on the practice of law, including on attorney interactions, client representation, court access, and jury selection. What can lawyers do to address this problem and promote diversity within, and equal service from, the legal profession?  
Stacey A.L. Best, Esq., *Lawyers Concerned for Lawyers (LCL | MassLOMAP), Boston*

12:20 p.m. – 1:05 p.m.

**Tools and Resources for Maintaining Your Professional and Personal Well-Being: A Better Practice and a Better YOU**

- Top 10 tips for avoiding rookie missteps that can lead to an inquiry from the Office of Bar Counsel.  
Tasha Marshall, Esq., *Office of Bar Counsel, Massachusetts Board of Bar Overseers, Boston*
- Resources abound: The importance of well-being, and tips for caring for yourself and your practice from Lawyers Concerned for Lawyers (LCL) and its Law Office Management Assistance Program (LOMAP).  
Dr. Jeff Fortgang, *Lawyers Concerned for Lawyers (LCL | MassLOMAP), Boston*

<https://lawyerwellbeingma.org/news/mentorship-program-signup>

1:05 p.m. – 1:15 p.m.

**Closing Remarks**

- Be proud to be a lawyer, and develop the great one inside you!  
Jared D. Correia, Esq., *Red Cave Law Firm Consulting, Beverly—Chair*

**Please complete the program evaluation online:** <https://tinyurl.com/pwp-nov2023>

**WELCOME TO THE PROFESSION!**



SECTION 1

**Challenges and Opportunities of New Technology  
and Social Media**

Sankeetha Selvarajah, Esq.  
*Selvarajah Law, PC, Boston*

# Navigating the Challenges + Opportunities in New Technology + Social Media



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Practicing with Professionalism course  
May 9, 2022



- Sankeetha Selvarajah, Esq.  
Managing Shareholder, Selvarajah Law P.C.
- CEO, Bizto,co. & Zensei, LLC
- [ss@selvalaw.com](mailto:ss@selvalaw.com) / [www.selvalaw.com](http://www.selvalaw.com)
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# Data Security

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- Obligations
  - Ethics Rules
  - Ethics Opinions
  - State Law
- Practical Considerations
  - Access Control/Passwords
  - Encryption
  - Vetting Responsibilities
  - Management Responsibilities

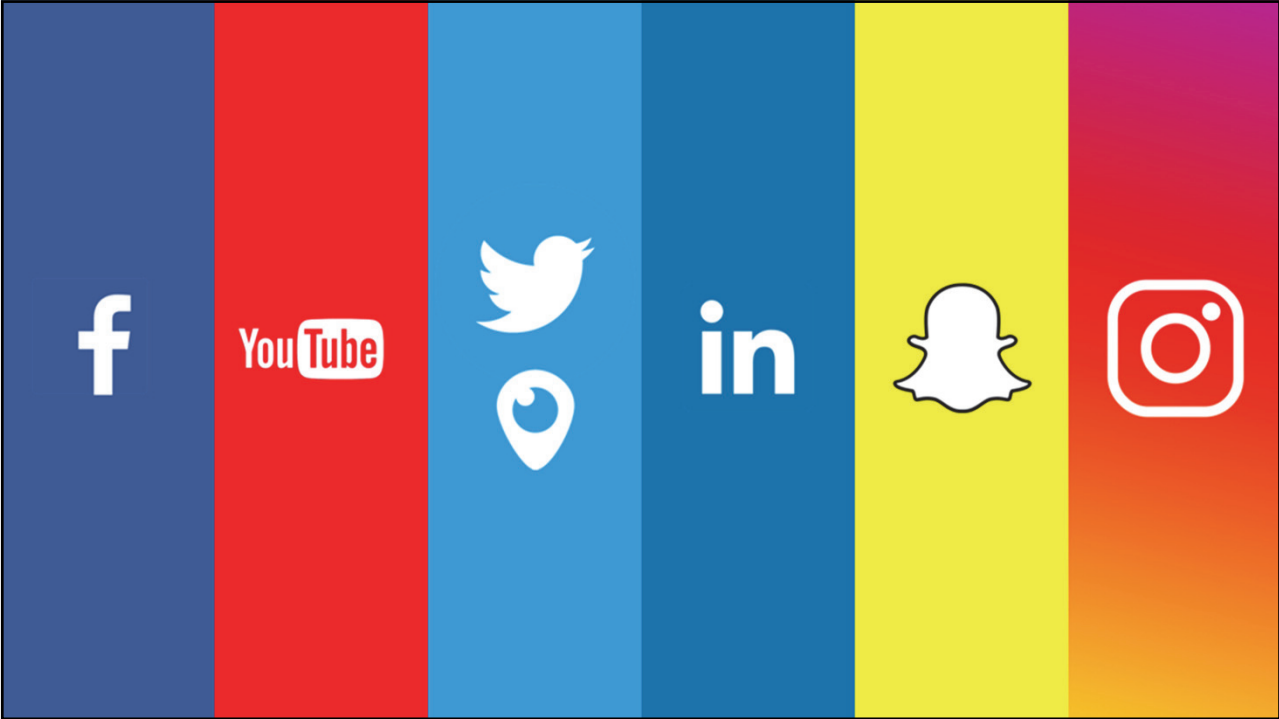




## Marketing



- False/Misleading
- Analogous Activities
- Solicitation
- Attorney-Client Relationship
  - Disclaimers, Documentation
- Confidentiality





SECTION 2

**Implicit Bias, the Importance of Diversity and Inclusion  
in the Legal Profession; and Promoting Access to Justice**

Stacey A.L. Best, Esq.  
*Lawyers Concerned for Lawyers*  
*(LCL | MassLOMAP), Boston*

## Confronting Implicit Bias

### Practicing with Professionalism



- Presenter Laura Keeler, Law Practice Advisor
- Lawyers Concerned for Lawyers
- Massachusetts Law Office Management Assistance Program
- 2022

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## Who am I?

Law Practice Advisor, Lawyers Concerned for Lawyers|  
MassLOMAP

Expert in law practice management & technology

Columnist in *ABA Law Practice Magazine*

MBA Solo/Small Firm Law Practice Management Section Council



# Roadmap

1. The First Challenge
2. Introduction to Cognitive Biases
3. Structural Power Privileges
4. Commit to Act.



## 1. The First Challenge

- How might we create a legal system and profession that is diverse, equitable, and inclusive?
- What's the goal?
- Clarity on words + ideas  
→ Clarity on solution



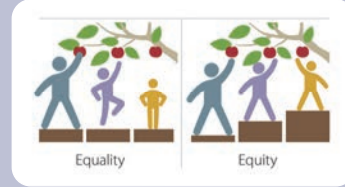
## Thought Experiment: Can you define 3 key words?



Diversity



Inclusion



Equity

5

## Our 3 key words defined...

**Diversity** describes a **system** with a lot of differences. People are unique. Systems are diverse.

**Inclusion** describes the **culture** of a system that welcomes and creates a sense of belonging.

**Equity** is a **process** that ensures everyone has access to the same opportunities

6

## COGNITIVE BIAS CODEX

**What Should We Remember?**

- We store memories differently, based on how they were experienced
- We reduce events and facts to their key elements
- We discard specifics to form generalities
- We edit and reinforce some memories after the fact
- We favor simple-looking options and complete information over complex, ambiguous options
- To avoid mistakes, we aim to preserve autonomy and group status, and avoid irreversible decisions
- To get things done, we tend to complete things we've invested time & energy in
- To stay focused, we favor the immediate, reliable thing in front of us

**Too Much Information**

- We notice things already primed in memory or repeated often
- Bizarre, funny, visually striking, or anthropomorphic things stick out more than non-bizarre/funny things
- We notice when something has changed
- We are drawn to details that confirm our own existing beliefs
- We notice flaws in others more easily than we notice flaws in ourselves
- We tend to find stories and patterns even when looking at sparse data
- We fill in characteristics from stereotypes, generalities, and prior histories

**Need To Act Fast**

- To act, we must be confident we can make an impact and feel what we do is important
- We project our current mindset and assumptions onto the past and future

**Not Enough Meaning**

- We imagine things and people we're familiar with or fond of as better
- We simplify probabilities and numbers to make them easier to think about
- We think we know what other people are thinking

DESIGNHACKS.CO · CATEGORIZATION BY BUSTER BENSON · ALGORITHMIC DESIGN BY JOHN MAHOOGIAN III (JMJ3) · DATA BY WIKIPEDIA

## 2. Introduction to Cognitive Biases

- Too much to notice
- Too many possible meanings
- Too much to remember
- Too little time

## What is implicit bias?

**Implicit bias is the mind's way of quickly and easily drawing conclusions about the relationship between two concepts.**

**Thought Experiment:**  
Is there unconscious bias here?

In a content meeting for a book on resilience, a suggestion is made to link to the #MeToo Movement and include stories about women who bounced back from incidents of sexual harassment.

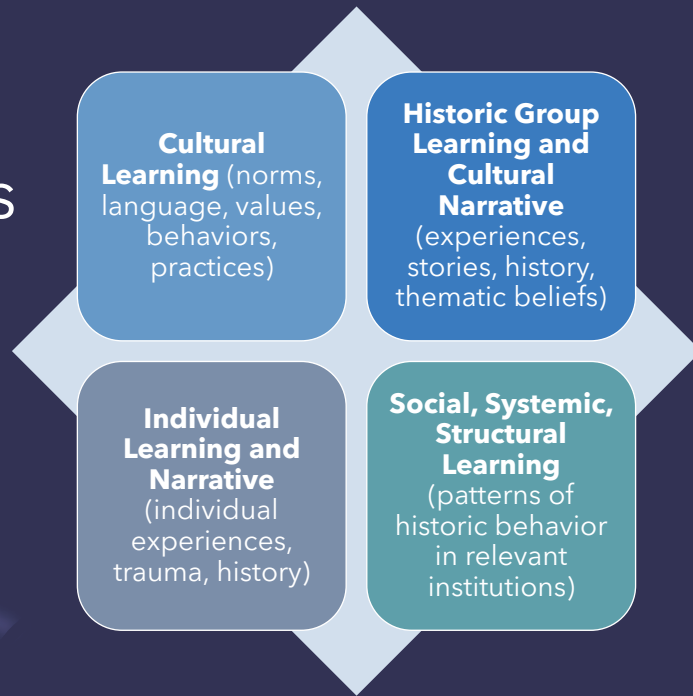
## Fast thinking and filters in the workplace



## Performance evaluation criteria

- Are we judging competency or excellence?
- Women and minorities are more easily judged competent than men and whites; however, higher standards are used when evaluating women and minorities for excellence. Biernat & Kobrynowicz, 1997
- Comfortable when they are individual contributors, but uncomfortable with idea of giving them power.

Implicit bias is a perceptual lens shaped throughout a lifetime by...



11

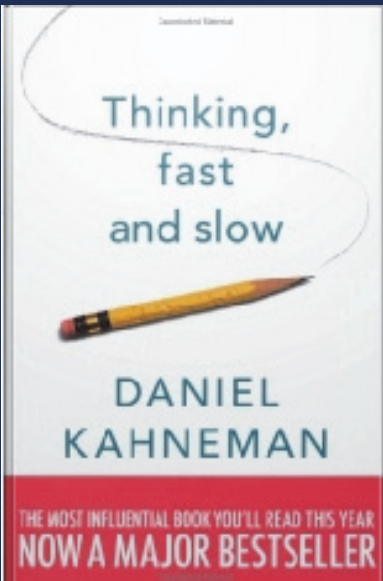
## Implicit Bias & unconscious attribution

### Implicit Bias

The unconscious attribution of particular qualities to a member of a certain social group. Implicit stereotypes are shaped by experience and based on learned associations between particular qualities and social categories, including race and/or gender.

### Explicit Bias

The attitudes and beliefs we have about a person or group on a conscious level. Much of the time, these biases and their expression arise as the direct result of a perceived threat.



This Photo by Unknown Author is licensed under [CC BY-NC-ND](https://creativecommons.org/licenses/by-nc-nd/4.0/)

## Thinking Fast & Slow:

**System 1 Thinking:**  
fast, automatic, effortless,  
occurs with no conscious sense of voluntary control

**System 2 Thinking:**  
slow, conscious, explicit, deliberate

Without **intentional and sustained effort** to counteract **narratives**, System 1 brains will continue to make assumptions about individuals based on them, even if those assumptions do not align with our conscious, explicit beliefs

## 3. Structural Power and Privilege

---

Structures connect people to each other and to power.

---

Systems of power and privilege produce racially disparate outcomes regardless of people's intentions.

---

People protect self-image, worldview, and interests unconsciously.

---

85% of lawyers are white; 5% black, 5% Hispanic; 5% Asian; 64% men; 36% women (2019 ABA)

---

It's part of our collective narratives and norms and affects cognitive biases - what we notice (and miss); how we make sense (and never consider); and what we remember (and forget).

# Implicit Bias in the Law

Criminal  
Justice  
System

Property and  
Housing Law

Employment  
Law

Health Law

15

## The ABA

"The criminal justice system's problems with racism start before the first contact and continue through pleas, conviction, incarceration, and release."



16

## 4. Commit to Action

How might you use your power or agency to encourage these types of discussions?



Image by [Sasin Tipchai](#) from [Pixabay](#)

17

## What can you do?



18





# Questions?

- [Laura@masslomap.org](mailto:Laura@masslomap.org)
- [www.masslomap.org](http://www.masslomap.org)
- [www.lclma.org](http://www.lclma.org)

## Law Practice Management Consultations

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LOMAP's law practice management consultations cover any topics you need help with. Popular topics include marketing, technology, business planning, billing, finance, time management, productivity, organization, staffing, growth, retirement, career development, and more. Your consultation can cover a range of topics or focus more extensively on a topic of your choice, entirely dependent on your needs.

Our consultation formats include:

- **20-minute** phone calls for simple questions
- **60-minute** consultations for advice by phone, video conference, and at our office in downtown Boston **once we return to in-person services** following the Covid-19 crisis.

To schedule a MassLOMAP Consult, go to: <https://www.masslomap.org/consultations/>



## SECTION 3

# **Tools and Resources for Maintaining Your Professional and Personal Well-Being: A Better Practice and a Better YOU**

Dr. Jeff Fortgang  
*Lawyers Concerned for Lawyers  
(LCL | MassLOMAP), Boston*

Tasha Marshall, Esq.  
*Office of Bar Counsel, Massachusetts Board  
of Bar Overseers, Boston*



# TOP TEN TIPS TO AVOID ETHICAL ISSUES

Tasha Marshall, Esq  
Assistant Bar Counsel  
Office of the Bar Counsel  
Massachusetts Board of Bar Overseers

## COMMUNICATE

[Rule 1.4]



Return

Return clients' telephone calls promptly, even if you have no update



Respond

Respond to written communication & info requests from clients



Consult

Regarding Status, Objectives, Means



Notify

Notify your clients promptly if something has gone wrong



Cooperate

Respond to telephone calls & requests for information from the Office of the Bar Counsel & ACAP

## Put it in writing

- **MUSTS**
  - Fee agreements [Rule 1.5]
  - Consents to conflict of interest [Rules 1.7- 1.9]
  - Notice of Fee Withdrawals [Rule 1.15]
- **SHOULD**
  - Non-engagement and disengagement letters [Rule 1.16]
  - Settlement offers and demands [Rule 1.2]
  - Notice of something going wrong
  - Requests for compliance



It's not your  
file

Rules require attorneys to promptly provide clients a copy of their files upon request

Rule 1.15A specifies the information that must be provided and whether attorneys may charge the clients for copying

You cannot ransom the file for unpaid legal fees

Failure to do may result in complaint to OBC

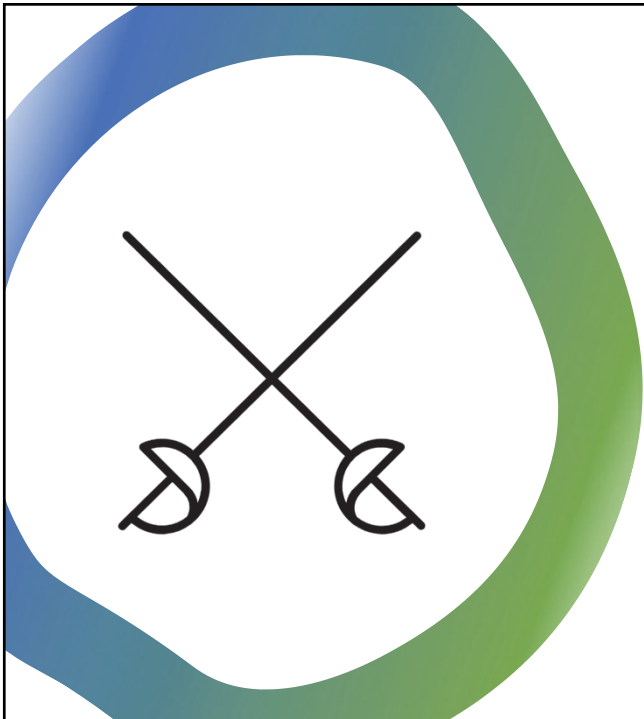
## Breaking up is hard to do

- If you don't want a case, reject it ASAP
- Permissive & Required Withdrawals [Rule 1.16]
- You are either in a case or out of it; Don't withhold services for nonpayment
- Withdraw in accordance with tribunal rules
- Document termination of representation
- Return file and unearned fee
- Avoid noisy breakups
  - Do not disclose client confidences



## If it feels like a conflict, it probably is


- Avoid conflicts of interest [Rules 1.7-1.12]
- Identify who is your client at the outset
- Develop conflict-checking system and use it
- Obtain waivers in writing where required
- Get Advice
  - Read Rules & Comments
  - Call the Ethical hotline
- Red Flags
  - Multiple clients in the same matter
  - Business relationship with client





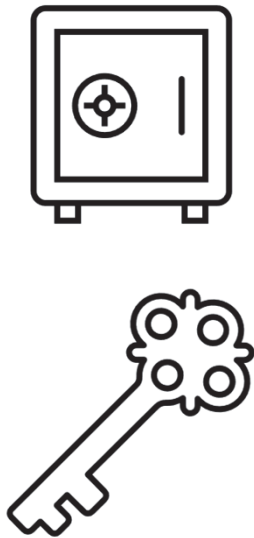
## Don't take the money and run

- Requirements for client funds [Rule 1.15]
  - IOLTA or individual trust account?
  - What goes into account?
  - When/how can you withdraw?
  - What records must you keep?
- Put a record-keeping system in place and use it
  - Can delegate tasks, but not obligation
- Common Scenarios
  - Bounced Checks
  - Paying Firm Bills directly from IOLTA account
  - Improper reconciliation
- Resources
  - Trainings
  - Massachusetts IOLTA Committee website
  - Law Office Management Assistance Program (LOMAP)



## Be aware of limits of advocacy

- Misrepresentations to Tribunal [Rule 3.3]
- Remediate client misrepresentations [Rule 3.3(a)(3)]
- Caution dealing with unrepresented parties [Rule 4.3]
- Never contact represented party w/o consent of counsel [Rule 4.2]
- Misrepresentations to Opposing/Third Parties [Rule 4.1, 8.4(c)]
- Civility: Be civil to clerks, court personnel, opposing counsel and clients



## Maintain Confidences

- Keep client confidences [Rule 1.6]
- Concept of confidentiality much broader than attorney-client privilege which is a legal issue
- Be aware of your surroundings when discussing case
- Be aware of inadvertent electronic disclosures
  - Take appropriate security precautions
  - Take corrective measures if there is an inadvertent disclosure
- Be particularly wary when:
  - Withdrawing
  - Responding to client complaints
  - Responding to online reviews
  - Talking with successor counsel
  - Revealing confidences to prevent violence/harm



## Choose wisely, you must

- Don't accept every case
- Be aware of your skills and expertise
- If you are too busy or unable to handle the case, decline the case in writing
- If investigation reveals case is not viable, advise the client ASAP
- If asked to do something that violates your professional obligations by a client or supervising attorney, just say "no"



## RESOURCES

- Comments to the Mass. R. Prof. C.
- Articles on ethics, disciplinary decisions, trainings, news– [www.massbbo.org](http://www.massbbo.org)
- Ethical hotline of OBC:  
2-4pm MWF (617) 728-8750
- Attend a trust account training program
- Massachusetts IOLTA Committee
- LOMAP (Law Office Management Assistance Program)
- Disciplinary decisions can be searched on Westlaw and through Social Law Library



Jeff Fortgang, Ph.D., LADC-I



# Maintaining Your Professional Well-Being as a Massachusetts Lawyer

Lawyers Concerned for Lawyers, Massachusetts | Law Office Management Assistance Program



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Confidential,  
and *FOR YOU.*

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Free and Confidential Consultations and Resources



STRESS AND  
RESILIENCE



MENTAL HEALTH



ADDICTION  
RECOVERY



CAREER & PRACTICE  
MANAGEMENT

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is to promote well-being and resilience in the legal community, improve lives, nurture competence, and elevate the standing of the legal profession.

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# WE HELP THE WHOLE LAWYER.

**STRENGTHEN**  
Client Relationships

**DELIVER**  
Higher Quality Legal Services

**ENHANCE**  
Your Quality of Life

## MENTAL HEALTH

- Stress / Anxiety
- Burnout
- Depression
- Motivation
- Relationships
- Coping Behaviors
- Addiction Recovery
- ADHD

## PRACTICE MANAGEMENT

- Career Development
- Time + Organization
- Marketing
- Data Security
- Technology
- Policies + Procedures
- Finance
- Starting a Practice

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## MEET OUR TEAM!



**Stacey A. L. Best, Esq.**  
Executive Director



**Barbara Bowe, LICSW**  
Staff Clinician



**Luz Carrion, Esq.**  
Senior Law Practice Advisor



**Rachel Casper**  
Strategic Operations & Marketing



**Jeff Fortgang, Ph.D. LADC-I,**  
Staff Clinician



**Shawn Healy, Ph.D.**  
Staff Clinician



**Laura Keeler**  
Law Practice Advisor



**Amy Levine**  
Programs Administrator



**Tracey Meyers, Psy.D.**  
Staff Clinician



**Fallon Ramos**  
Office Manager

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Welcome to the  
Massachusetts  
legal profession!



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### SJC will continue effort to study, improve well-being of Bay State attorneys

By *Jordan Frias* Globe Correspondent, October 30, 2019, 9:11 p.m.



SJC Steering Committee on Lawyer Well-Being  
Report to the Justices  
July 15, 2019

“The obvious goal, which we all share, is to help all Massachusetts lawyers attain greater success in achieving a healthy, positive, and productive balance of work, personal life, and health.”



### Attorney Well-Being: It's Not a Fad, It's a Movement

Law.com - Jan 10, 2019

Attorney Well-Being: It's Not a Fad, It's a Movement ... Working Group to Advance Well-Being in the Legal Profession (ABA Working Group).

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## MAJOR POINTS

- Law is a **stressful profession**, with high rates of **depression** and **alcohol** problems.
- Those kinds of problems can affect your **career**, **health**, and **home life**.
- Don't let **Lawyer Culture** (even as we hope it's improving) take over your life.
- You can do important work and be intellectually challenged – But remember that **you're human** – we *all* will encounter problems over the course of our lives – and **take care** of yourself, **connect** with others, **reach out** when in pain – then **you can thrive!**

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## CAN YOU RELATE?



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## CAN YOU RELATE?

I must **balance** multiple matters and deadlines.

I'm worried that I might **make a mistake** and that it will result in a serious consequence.

I feel **overwhelmed** by my clients' demands and needs.

I focus primarily on **solving others' problems** and rarely take time for myself.

I must **manage challenging** office relationships, politics, supervisors, and staff.

It's hard to **make time** for personal commitments and family.

I must make enough money to pay off **student loans** in addition to covering current **living expenses**.

I'm concerned I lack **training, mentorship, and support**.

Sometimes I feel like **an imposter**.

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## HEALTHY LAWYER 7 TIPS



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# MAKE SELF-CARE YOUR FIRST PRIORITY.

TIP NUMBER **1**

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## ➤ *Take Care of Yourself*

- Balanced Diet
- Sleep
- Regular Exercise
- Time for fun, entertainment, etc.
- Humor
- Connection -- Nurture caring relationships  
(family, friends, community/belonging)
- Renew professional self/mind  
away from daily race – e.g., reading, seminars
- If in pain of any kind, get help



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REMEMBER,  
LAWYERS ARE HUMAN.

TIP NUMBER 2

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## Lawyer Culture

- Problem-Solver, in control
- Ignore own needs, don't ask help, invulnerable veneer
- Adversarial, “zero-sum game”
- Acculturation begins in law school

(+ surge in rates of depression & alcoholism)



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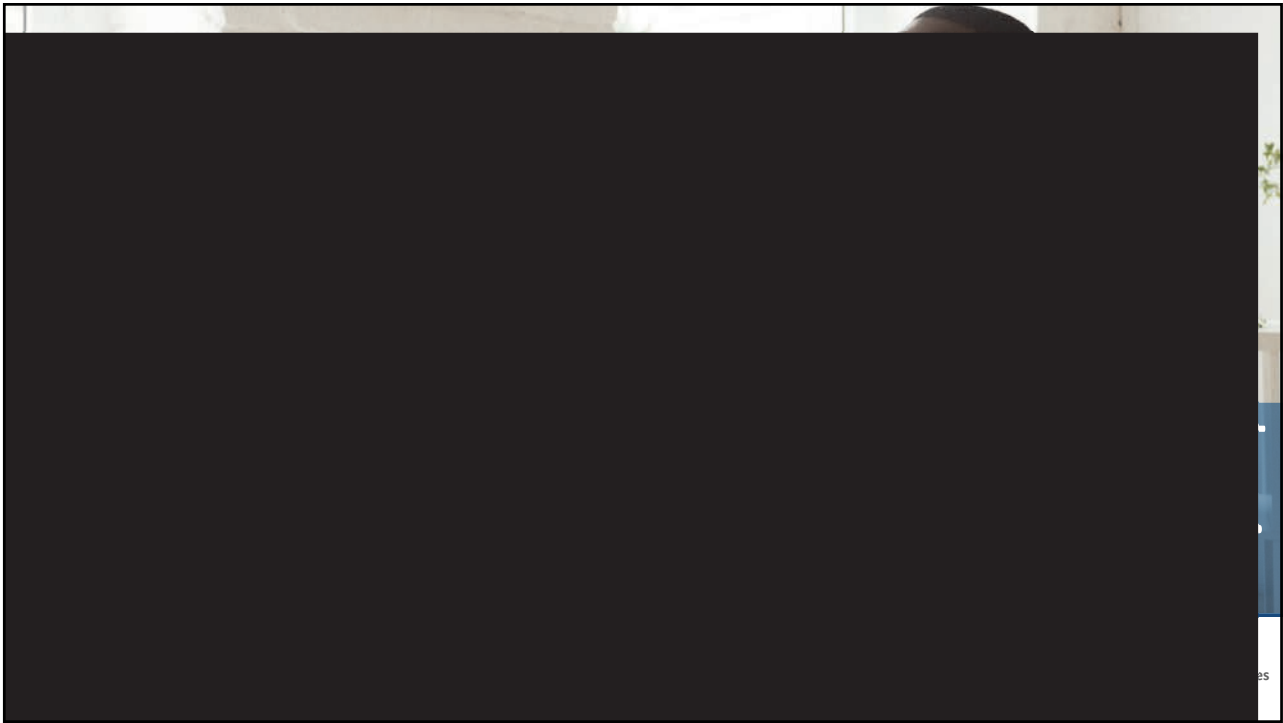
# TRY MEDITATION, OR JUST FOCUS ON BREATHING.

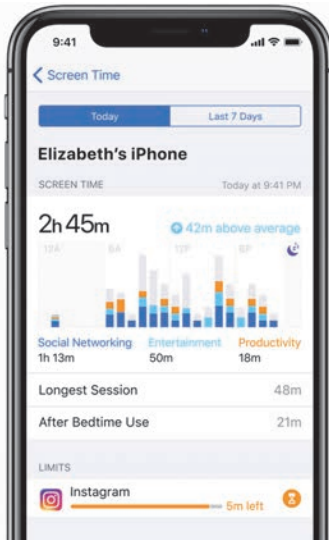
TIP NUMBER 3

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"It's an ergonomic ankle support to help you be more productive."

## SCHEDULE ME-TIME AND SET LIMITS.

TIP NUMBER 4

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### ➤ *Time Management*

- Prioritizing
- Reminder mechanisms for deadlines
- Routines:
  - ✓ Capitalize on high-energy times of day
  - ✓ Times set aside, no calls or email
- Reasonable Goals
  - ✓ Broken down into *manageable units*
  - ✓ Deal with *one at a time*



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## ➤ *Setting Limits*

- Recognize your limits  
(in time, talent, and interest)
- Learn to say No (to others and to  
your own unreasonable expectations)
- Avoid type of work that does not fit you  
(individual profile of strengths & weaknesses)
- Ask yourself what can be delegated



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**GET ORGANIZED.  
STAY ORGANIZED.**

**TIP NUMBER 5**

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**DON'T IGNORE PROBLEMS;  
BE AWARE OF OTHERS.**

**TIP NUMBER 6**

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- ✓ Bar Associations
- ✓ MCLE
- ✓ Social Law Library
- ✓ BBO Ethics  
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- ✓ BBO Ethics Articles:  
[www.massbbo.org](http://www.massbbo.org)
- ✓ LCL MA
- ✓ SJL Lawyer Well-Being Cmte



**USE RESOURCES AVAILABLE;  
ASK FOR HELP.**

**AND ENCOURAGE COLLEAGUES  
ABOUT WHOM YOU'RE CONCERNED**

**TIP NUMBER 7**

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## ➤ **Therapy/Counseling**



- Techniques/Strategies (e.g., CBT, DBT, Mindfulness)
- Insights (including re impact of trauma or other impactful past experience)
- A very confidential and you-focused space. (The therapeutic *relationship* makes a big difference) (A place for issues you can't discuss elsewhere.)
- Demand > Supply but we have some pointers

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## CURRENT GROUPS



WEEKLY  
YOGA & MEDITATION



JOB SEARCH  
SUPPORT



SOLO | STRESS  
CONNECTION



PRACTICING LAW  
WITH ADHD



IMMIGRATION  
LAWYERS  
SUPPORT



LAW PRACTICE  
STARTUP  
WORKSHOPS



ADDICTION  
RECOVERY  
PEER SUPPORT



SUPERMOM  
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PROFESSIONAL  
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# ACTION STEPS



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CONSULTATION



BROWSE RESOURCES &  
SUBMIT ANONYMOUS  
QUESTIONS



JOIN A GROUP OR  
ATTEND AN EVENT

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