AN AMMON NELSON LAW, PLLC

“IT’S NOT YOU IT’S ME”

BREAKING UP WITH THE “JEALOUS MISTRESS”

LAWYERS ARE POWERFUL!

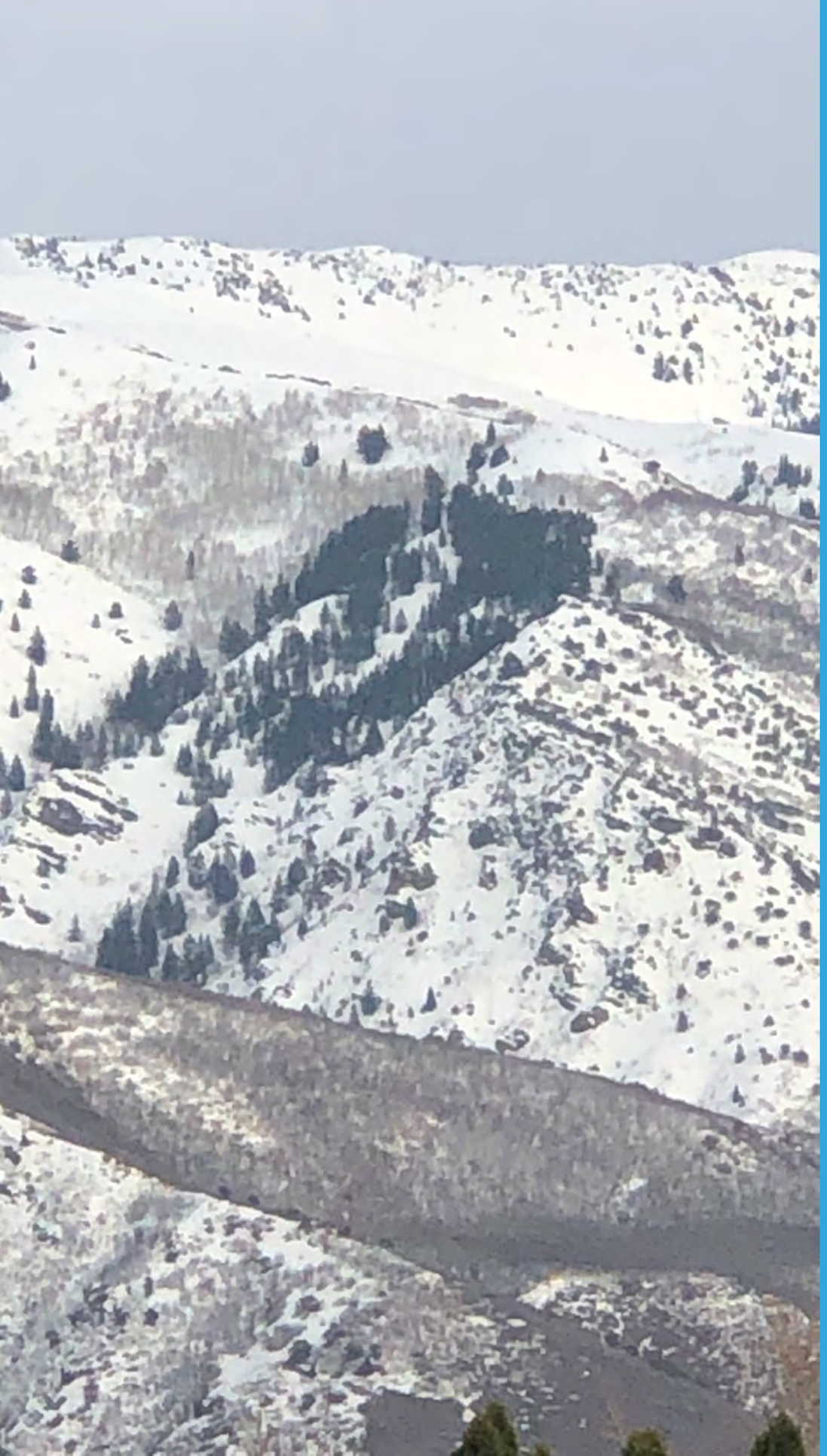
- Lawyers are essential to our society, state, country and to the world.
- Lawyers create change, defend injustice, defend the constitution, advocate for the weak, provide a voice of reason in an increasingly irrational world.
- Lawyers solve problems. In this room, we protect families from overreaching by the State and defend important constitutional rights.
- A change in career is not the answer.

“THE LAW IS A JEALOUS MISTRESS, AND REQUIRES A LONG AND CONSTANT COURTSHIP. IT IS NOT TO BE WON BY TRIFLING FAVORS, BUT BY LAVISH HOMAGE.”

— Supreme Court Justice Joseph Story - 1829

WHO IS THE “JEALOUS MISTRESS”

- For whatever reason, this quote has been repeated over and over in the legal world for close to 200 years.
- Is he romanticizing the dedication required to be a great lawyer, or trying to warn lawyers about the sacrifice that is required?
- The idea that lawyers must sacrifice relationships, hobbies, mental and physical health, continues to be taught in pre law, law school, retirement speeches, advice from senior attorneys to young attorneys.



CHANGING THE TONE OF THE PROFESSION ONE SMALL STEP AT A TIME...THESE SMALL STEPS CAN START THE PROCESS NECESSARY TO PLACE HEALTH, RESILIENCE, SELF-CARE, AND HELPING OTHERS AT THE FOREFRONT OF WHAT IT MEANS TO BE A LAWYER.

COLLECTIVELY, SMALL STEPS CAN LEAD TO TRANSFORMATIVE CULTURAL CHANGE IN A

ABA - The Path to Lawyer Well-Being: Practical Recommendations for Positive Change

WHAT DO THE RULES OF PROFESSIONAL CONDUCT SAY?

- 1.1:Competence: A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
- 1.3: Diligence: A lawyer shall act with reasonable diligence and promptness in representing a client.

PROFESSIONAL RULES CONTINUED...

- 1.4: Communication: (a) A lawyer shall:
- (a)(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- (a)(2) reasonably consult with the client about the means by which the client’s objectives are to be accomplished;
- (a)(3) keep the client reasonably informed about the status of the matter;
- (a)(4) promptly comply with reasonable requests for information; and
- (a)(5) consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation

JOB DEMAND CONTROL MODEL

- Developed in 1979 by Robert Karasek
- It holds that workers in high demand jobs will experience increased stress if they do not control when they do the work.
- In the legal field, our job is demanding. There is no changing that. HOWEVER, when we sacrifice our autonomy to the mythical "jealous mistress" by believing a 100% commitment is needed to be a good lawyer...we lose that autonomy and become slaves.

PRACTICE POINTS

- You are not required to argue everything your client wants, especially if it violates rule 11. So tell them that.
- Reasonable is not measured by what your client thinks is reasonable. You need to teach them what is reasonable at the outset of your representation.
- Once you teach them what is reasonable, you need to act reasonably...ie don’t make exceptions

EXAMPLES OF REASONABLE BOUNDARIES/POLICIES

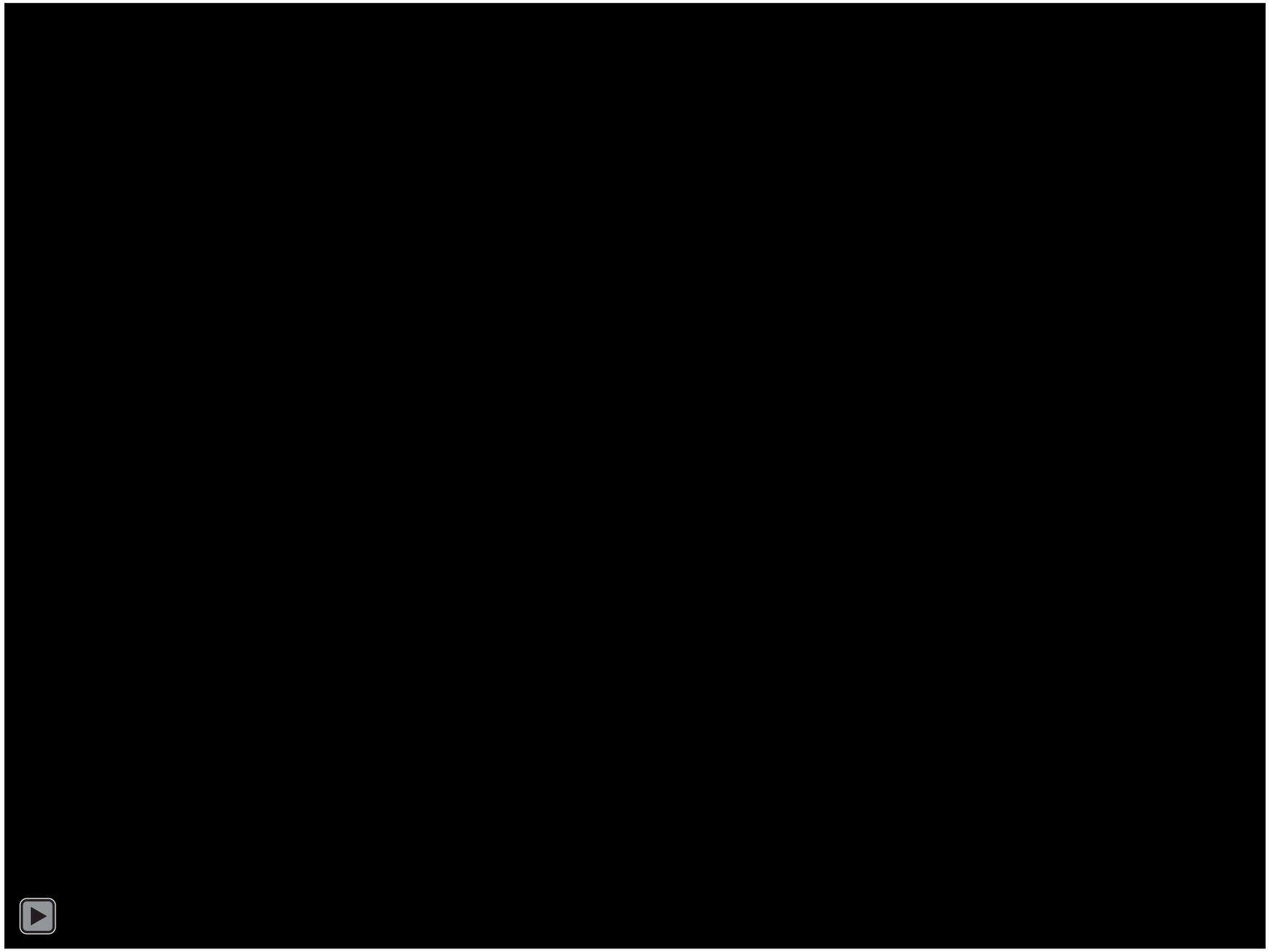
- Provide a letter to your client at the outset that explains their responsibilities, your office hours, texting policy, and that you are bound by the rules of professionalism.
- Return calls during business hours within 24 hours (don’t even look at your phone after hours)
- Plan your personal life ahead, so that you can protect your time. Vacations and time off are important, but if you wait for a break in your legal schedule, you will never get a break.
- Never schedule back-to-back trials (You need time to catch up)
- Never schedule trial right after a holiday (You will prep during the holiday)

HOW DO YOU BECOME AN

ATTORNEY ALIVE?

YOUR LIFE IS FORMED BY THE PERSPECTIVES AND PHILOSOPHIES YOU ADOPT, AND CHANGING YOUR PERSPECTIVE CAN CREATE AN IMMEDIATE SHIFT IN YOUR LIFE.

Peter Voogd



It’s Not You It’s Me!

HOW DO I SUPPORT MY PRIORITIES

- The average person lives for 30,000 days.
- Time is our most valuable resource -
- Track your Time - find your priorities.
- What are your most important priorities?
- Priorities exercise
- CHALLENGE: Track your time for one week down to the 6 minutes - you will find your blind spots

YOU ARE STRESSED OUT.

- Our jobs are demanding. We experience stress.
- The stress reaction is a natural human process meant to keep us safe from life threatening danger.
- The science behind stress is as follows:

STRESS IS A NATURAL PHYSIOLOGICAL RESPONSE TO THREAT

- Fight or Flight response coined by Walter Cannon
- Once we are in fight or flight, our body becomes hyperaroused.
- hypothalamus controls our automatic nervous system
  - Hypothalamus sends messages through nervous system
  - Hypothalamus sends message to endocrine system which triggers the release of hormones into every cell of our body

IMMEDIATE SIDE EFFECTS OF STRESS:

- Muscle tension
- Shallow breathing
- Fatigue
- Low Sex Drive
- Upset stomach
- Dizziness
- Tingling in hands and feet
- Increased blood pressure
- Diarrhea or Constipation
- Anger Management Issues
- Trouble Concentrating

LONG TERMS EFFECTS OF STRESS

- Cancer
- Cardiovascular disease
- Bruxism
- Sleep Deprivation
- Emotional Disorders
- Endocrine Disease

EXTERNAL SIDE EFFECTS OF STRESS

- Drug Abuse
- Diabetes
- Alcoholism
- Increased Tobacco Use
- Troubled Relationships
- Criminal Activity
- Anxiety
- Malpractice
- Job dissatisfaction

VICARIOUS TRAUMATIZATION - SECONDARY PTSD

- More than 50% of attorneys encountered more than 21 trauma clients in last year
- Other professions, 70% encountered 20 or fewer trauma clients in the last year.
- Attorneys demonstrate higher levels of intrusive recollection of trauma material, avoidance of reminders or the material, diminished pleasure and interest in activities, irritability, and difficulties with sleep and concentration.
- The result is: irritable or angry outbursts, self-destructive behavior, hyper vigilance, exaggerated startle response, problems with concentration, sleep disturbance, detachments from life, and/or altered sense of reality.

THE ANTIDOTE

- Accept that stress is a real part of your life.
- Identify priorities and support those priorities with your resources
- Win the Morning
- Exercise
- Eat Right
- Sleep
- Practice Mindfulness
- Seek professional help

WIN THE MORNING

- Phase One to Winning the Day
  - Wake up early (shift your schedule back)
  - October 2014 study found that early risers have lower levels of anxiety, lower rates of depression, higher life satisfaction, and less likely to abuse substances.
  - PRACTICE TIPS: decide now, move alarm, make your bed first, wash your face, lay out your clothes, wait to wee, don’t look at your phone, and plan to succeed.

WIN THE MORNING

- Second Phase - Productive Use of Time
  - Don’t feel selfish - This time is essential to your health
  - Create a Morning Success Routine - Follow it
  - Some things your Morning Success Routine might have:
    - Affirmations, Exercise, Reading, Meditation/Prayer/Visualization, Gratitude Journaling, Mindfulness practice, hobbies, cold therapy

EXERCISE

- Your body needs fresh oxygen, your muscles need stretching and strengthening, your heart needs exertion, your mind needs clarity, your lungs need toning.
- Exercise combats muscle tension, increases energy, improves self esteem, and reduces illness.
- Practice tips: 20 to 60 minutes/day, preplan, get a partner, expect some soreness at first, exercise 3 to 5 days/week, be realistic in your expectations

EAT RIGHT

- Millions of diet options out there
- Intuitive Eating
  - Stop eating when you feel full
  - Eat slow and enjoy your food
  - Drink tons of water - NOT SODA
  - Avoid processed food
  - 80/20 rule

SLEEP

- Staying awake for 17 to 19 hours produces DUI level impairments.
- Lack of sleep also results in: memory lapses, problems concentrating, slower brain processing, partial brain dozing.
- You should sleep for 8 to 9 hours per night.
- Sleep has a direct effect on your mental and emotional health.

PRACTICE MINDFULNESS

- Mindfulness is a technique that helps us rediscover the peace and confidence we have deep inside ourselves that we have either forgotten about, ignored, or outright rejected in pursuit of other things.
- Mindfulness can help free you from anxiety, stress, unhappiness, and exhaustion.
- Your thoughts are not your thoughts
- Your emotions are not your emotions
- Example Mindfulness Practice

DON’T WORRY IF YOU CAN’T SAVE EVERYONE...YOUR ROLE IS TO TAKE YOUR UNIQUE GIFTS AND TALENTS AND MAXIMIZE THOSE FOR THE PEOPLE YOU CAN HELP. YOU MUST KNOW AND APPRECIATE THE VALUE OF YOUR TIME AND THE VALUE THAT YOU GIVE THE WORLD.

-Ben Glass

RESOURCES

- Stephen R. Covey, *The 7 Habits of Highly Effective People* (1989).
- Hal Elrod and David Osborn, *Miracle Morning Millionaires* (2018)
- Mark Williams and Danny Penman, *Mindfulness* (2011)
- Michael Olpin and Margie Hesson, Stress Management for Life (2007)
- Jean E Wallace, *Job Stress, Depression and Work-to-Family Conflict: A Test of the Strain and Buffer Hypothesis,* Relations Industrielles Vol. 60, Iss. 3, (Summer 2005): 510-537
- The American Bar Association, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (August 2017)
- Clayton Christensen, How Will You Measure Your Life (May2012)

OTHER HELPFUL RESOURCES

- Yoga:
  - https://YouTu.be/YHfRdoYH4mw (Yoga by Candace)
  - https://YouTu.be/XeXz8flZDCE (Yoga with Adriene)
- Motivation
  - https://youtu.be/26U_seo0a1g (My Favorite)
  - https://youtu.be/g-jwWYX7Jlo (My Second Favorite)

VISIT ATTORNEY ALIVE ON INSTAGRAM

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