



# LOSS PREVENTION BULLETIN

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## ■ Bulletin # 197

### Awesome, Interesting & Valuable!

We're marking the 2nd birthday of our *Loss Prevention eBytes*. This newest addition to CLIA's kit of loss prevention tools is a user-friendly source for easy-to-access links to information and practice tips focused on reducing the risk of malpractice claims.

Feedback so far has been quite positive. One of our readers recently wrote: "Awesome eByte. This one was extremely interesting and valuable to learn about. Thank you for the great service you provide."

*eBytes* focuses on providing practical information for practising lawyers. For example, topics covered to date include:

- Protecting Your Clients' Confidential Information
- Long Weekend Fraud Watch Reminders
- Electronic Discovery and the Sedona Canada Principles
- Dealing with Unexpected Trust Account Deposits

If you're not already reading *eBytes*, sign up. Visit our home page: [www.clia.ca](http://www.clia.ca) and sign up for the email alerts or RSS feeds so you'll receive notice when we post a new topic a few times each month. It's free and easy to subscribe. And when you've checked it out, please let us know what you think!

## ■ Bulletin # 198

### The Importance of Managing Your Practice When You Don't Yet Control It

In a recent seminar on practice management, I spoke with a number of articling students about the relevance of learning time management techniques at a point in their career when they have so little control over how their time is spent. While the students agreed that time management skills would be useful for lawyers who control the flow of their own work, the general feeling expressed was that for articling students or junior associates, the standard techniques (e.g. setting priorities, delegating, managing interruptions or scheduling "do not disturb" times) could not be effectively used.

As we delved further into the subject, the basis for their lack of enthusiasm for the topic became clear. Junior lawyers and articling students are frequently pulled in multiple directions at once. They are concurrently learning their craft, serving the needs of the lawyers who feed them work, and seeking to win the favour of firm management, all the while trying to balance getting the work done with doing it well. While the necessity of juggling these competing demands emphasizes the need for new lawyers to develop strong personal practice management habits, it is easy to see how, from their perspective, learning such skills becomes just another "neither urgent nor important" item on their to-do list.

Yet we know that developing personal practice management skills at an early stage of practice is both "urgent and important." Some of the obvious benefits include:

- Risk management – We know that calendaring errors, poor communications and missed limitation periods lead to claims of professional negligence. Keeping the malpractice claims at bay is one of the key reasons to ensure newly called lawyers are properly trained in practice management techniques.

- Reinforcing good communication habits can eliminate one of the most common bases for client complaints to law societies. A lack of or poor communication between a lawyer and their own client frequently leads to quality of service complaints.

- Maintaining balance – Developing strong practice management, and in particular, time management skills helps lawyers to balance their professional, volunteer and home or personal interests, thereby contributing to their personal well-being.

- Personal satisfaction – Good practice management skills ease the stresses often associated with legal practice, making it possible to both enjoy and thrive in the practice of law.

Outlining these benefits may help new lawyers to appreciate the need to give greater priority to developing their practice management skills,

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but likely won't go far enough. A more effective technique is through mentoring and modelling these skills. Working as a junior lawyer on a file typically provides opportunities to learn both by doing and by watching and listening to experienced lawyers. It is trite, but true that actions speak louder than words. Where effective time and practice management techniques are modelled by senior lawyers, junior lawyers will learn these skills and develop good work habits.

Of course, the converse is also true. Bad habits learned early are hard to break and can be costly to a firm in the long run. For this reason, training junior lawyers to work efficiently and effectively while meeting (or exceeding) professional obligations in respect of client service and communications must be a priority for firms, and especially for mentors and principals.

### ■ Bulletin # 199 Helping Lawyers Cope

From time to time, I write here about the importance of personal stress management and living a balanced life. I do so knowing that some lawyers will skip right over those articles, while others will continue to read, but roll their eyes and mutter something about the decline in the work ethic of younger generations. These topics don't fit comfortably with the archetype of a strong, competent and capable professional lawyer, yet statistics tell us that a significant number of lawyers are in fact struggling – with addictions of many kinds, with poor mental health including depression and anxiety, as well as stress-related physical ailments.

For example, in his article, *Lawyers and Depression: Three Case Studies*, (published on [www.cba.org/cba/PracticeLink/bwl/depression.aspx](http://www.cba.org/cba/PracticeLink/bwl/depression.aspx)) Dr. Owen Kelly outlines the following statistics about depression in the legal profession:

- A study conducted by researchers at Johns Hopkins University revealed that of 28 occupations studied, lawyers were most likely to suffer from depression.

- ...data collected from various lawyer and employee assistance programs across Canada indicates that mental health issues consistently top lawyers' list of complaints. In 2004, roughly two-thirds of calls placed to various provincial Lawyer Assistance Programs concerned mental-illness or psychological difficulties.

- Although depression affects only five to ten per cent of the population at any given time, a recent study in Washington State found that of a sample of lawyers, 19 per cent reported symptoms of depression.

- A similar study conducted by the North Carolina Bar Association indicated that a quarter of those surveyed demonstrated symptoms consistent with depression; 12 per cent indicated that they thought about suicide at least once a month.

Dr. Kelly goes on to note that:

- Although depression is associated with a host of serious physical illnesses including cardiovascular disease, in the short-term, the major health concern arising from depression is the risk of suicide.

- About one fifth of individuals affected by a mood-disorder will attempt suicide, and lawyers report having suicidal thoughts at a much higher rate than the general population.

CLIA recognizes the importance of supporting lawyers who are dealing with mental health, addictions and other stress-related concerns. Providing help to lawyers can avert a crisis and may also be a means to prevent or minimize malpractice claims. Through the provincial professional liability insurance programs supports and assistance are provided to lawyers, their staff and their families. Your local law society and insurance program staff see firsthand the effects of addictions, depression and stress-related illnesses on the practice of law. Contact your law society or visit their website for complete information about the lawyers helping lawyers or lawyer assistance program (LAP) in your jurisdiction. You can find a complete listing of Canadian lawyer assistance programs organized by province at: [www.lpac.ca/main/main/laps.aspx](http://www.lpac.ca/main/main/laps.aspx).

CLIA also supports the ongoing work of the Lawyers Professional Assistance Conference (LPAC) in addressing these issues. LPAC offers a 24-hour helpline (1-800-667-5722) for lawyers, judges, law students and their families and staff. As well, through their website ([www.lpac.ca](http://www.lpac.ca)), LPAC provides a wide range of valuable resources for lawyers on topics including mental illness, managing stress, recognizing addictions and preventing burnout.

And, the Canadian Bar Association's PracticeLink website ([www.cba.org/cba/PracticeLink/balance\\_wellness/default.aspx](http://www.cba.org/cba/PracticeLink/balance_wellness/default.aspx)) is another valuable source of information and resources for lawyers under stress and those who want to help or support them.

The services of lawyer assistance programs are provided confidentially and at no cost. If you are struggling with anxiety, depression, stress-related illness or addictions, please call for help. And if you know that your colleague is struggling to cope with the circumstances of his or her life, seek out these resources so that you're able to offer the kind of assistance that is needed.