



# LOSS PREVENTION BULLETIN

ISSUE NO. 37

APRIL 2006

CANADIAN  
LAWYERS  
INSURANCE  
ASSOCIATION

---

ASSOCIATION  
D'ASSURANCE  
DES JURISTES  
CANADIENS



C B E L A  
THE CANADIAN  
BAR EXCESS  
LIABILITY  
ASSOCIATION

ASSOCIATION  
D'ASSURANCE  
RÉSPONSABILITÉ  
EXCÉDENTAIRE  
DU BARREAU  
CANADIEN



A A R E B C

**Editor:** Karen L. Dyck,  
Loss Prevention Program Coordinator

600, 919 - 11th Avenue S.W.  
Calgary, Alberta, Canada  
T2R 1P3  
Tel: (403) 229-4714  
Fax: (403) 228-1728

**All Loss Prevention Bulletins are on-line.**

Go to [www.clia.ca](http://www.clia.ca), and click on Documents to find a past issue.

■ **Bulletin # 157**

**Dishonest Employees**

*(Adapted with permission from "Employee Theft" by Tana Christianson, published in The Law Society of Manitoba's November 2005 Benchers Bulletin)*

Although your Professional Liability Insurance Policy covers you for the **negligence** of your employees, it specifically excludes claims arising out of or from the theft or misappropriation of trust funds or property or in anyway related to such theft or misappropriation (Exclusion 3.4 in the CLIA policies). So, if your employee steals money from a client, even if you were negligent in supervising that employee, you are not covered.

Law Societies' special fund programs covering defalcations address misappropriation or conversion of a claimant's money or property by members of the Law Society. These programs do not reimburse where law office staff steal clients' money or property.

If you want to be covered for theft by your employees, it is up to you. Make enquiries of your local insurance broker or the Canadian Bar Insurance Association on what coverage and fidelity bonds are available to protect you, your clients, and your practice from employee theft. We urge you to make that call today.

*(The above is specific to the Law Society of Manitoba – your Law Society program may differ.)*

■ **Bulletin # 158**

**Done at Last! Thoughts on Procrastination**

*This article is written by David Maister and Wendy Leibowitz and is reprinted from davidmaister.com © Copyright 2001-2006 by David Maister*

The following is an article-in-preparation that I am co-authoring with Wendy Leibowitz. Wendy is a lawyer and writer in Washington, D.C., who matches my own vast experience in procrastination. Her Web site is <http://www.wendytech.com>

Unless you learn how to manage it, procrastination can spiral. The less you get done, the more you beat yourself up for being worthless and hence the less likely you are to get anything done. No wonder that a study reported in Psychology Today, found that "College students who procrastinate have higher levels of drinking, smoking, insomnia, stomach problems, colds and flu."

Professionals are particularly prone to procrastination, in part because professional projects can be intimidating: long, complex, and stressful.

Procrastination can't be completely abolished, but it can be kept under control by developing mind games that "short-circuit" the procrastination-inducing mental "do-loops" that plague us. Everybody needs to develop their own highly personal arsenal of tricks for living with (and suppressing) procrastination. Here are some of ours:

**Preparing to work**

Clients and superiors frequently do not explain precisely what they need, which makes procrastination almost inevitable, since it is difficult to begin work on something if you are confused or conflicted about what you are trying to accomplish. Make sure you know what you are trying to accomplish.

Strangely, procrastination can be caused by panic. Urgency makes us fearful and stop working. There is enough time pressure on us without artificially creating more. When accepting the assignment, acknowledge the difficulty of the task, and ask for a realistic time frame. Allow for interruptions, unexpected developments and an outside life. Most assignments in life are not a race – it's how dependable you are, not how fast, that will make people seek you out.

If you can, have two, three or four projects and alternate till one grabs you. Robert Benchley, the 1930s American humorist said: "I can get anything done as long as it's not what I'm supposed to be working on." Sound familiar? It's sometimes hard to prioritize among the projects that get thrown at you. But you can be surprisingly productive by working for a short time on each one. Imagine your projects as children, each of them clamoring for your attention. Spend time with each one.

**Focusing on a Motivating Purpose**

Thinking of the client you are doing the work for, and how important it will be to them can be the force that rouses you to action.

Jay Foosberg, author of "How to Get and Keep Good Clients," recommends looking at pictures of your family to remind yourself for whom you are doing the work.

---

---

Imagine how jealous your bitterest enemies will feel when you've finished. (Hey, no one said to limit this list to honorable motivations.) One of the most powerful motivators for some people is to imagine the work being praised by someone they resent ("I showed him!")

Imagine having to say: "I could have done a much better job, but he beat me to it. Grrr. I'm going to show him!" Anger, jealousy and the basest of motives can get many of us deep into the task.

### **Finding Ways to Start**

Examine your avoidance habits: what do you do to stall? Eat? Watch TV? Surf the damn, wonderful internet? Stop doing that—just for ten minutes.

Divide everything you have to do into smaller, easy bites.

Set realistic time goals to complete your bite-size tasks, and then plan to take a break.

Promise yourself that you will only work for ten minutes.

Start in the middle: worry about openings and endings later. Usually, for almost any project, there is one aspect of the work that is most vivid, that is stimulating you to do the work, or is the most daunting to you. Start there.

Just give dictation to yourself. Pretend you're talking to a friend or a fellow professional at a cocktail party, explaining what you are working on and how you are getting it done. Next, imagine describing what you have finished.

Sometimes actually talking to a friend can be the thing that unlocks the logjam. Why not call someone up and ask "Can I just try to explain to you what I need to do?"

### **Cut Yourself Some Slack!**

As Julia Child used to say when she took a shortcut or dropped something in the kitchen: "You're all alone. Who needs to know?" You're allowed to fail a few times before you get it right.

Adopt the mental dump approach: just do something and plan to change it later. You can always revise what you've done. Most work needs refinement. Drafting something –anything – helps you to avoid your saying, "I didn't do anything today." You did, it just needs further work!

Evaluate the work, but not yourself. Don't think: "I'm useless," but say instead: "Yeah, that paragraph's garbage, but I'm better than that."

Tell yourself this is not **supposed** to be the best thing you've ever done. Tell yourself that you can write a "B" assignment. A completed assignment that is adequate is better than the best thing you've ever done that exists only in your head.

Arrange (in advance) with a good friend or colleague to review your first draft. That way, you know you're only producing a first version and have permission to make mistakes. It will be less scary and you'll get more done.

### **Varying the Routine**

Consider working in a different setting. If your work is portable, bring some of it to a coffee shop to see how much you get done. If you are easily distracted, head to a library, close your office door, or create the equivalent of an isolation booth to see how productive you become.

If you've been torturing yourself by pulling all-nighters, go to bed early and see if you are more productive in the morning. Some say that for every hour earlier that you turn in, you gain two hours in alertness the next day.

### **Sustaining the Momentum**

Make up a game with rewards. Plan to reward yourself with a discrete, non-time consuming break such as a walk around the block (or an ice-cream cone.)

If nothing comes in 15 minutes, don't just sit there: go for a walk and come back. Taking a break from work to walk briskly for 20 minutes might kill two birds with one stone. (This is serious advice, similar to what they say about trying to fall asleep: if it ain't happening, get up and go do something. Just lying there thinking about it will drive you crazy and won't work.)

### **Advanced Techniques**

Write down how you are feeling about your tasks and what upsets you about them. You might be angry that you were stuck with someone else's work while they're away on a vacation, or it's just some damn boring anonymous thing that must be done. Or you don't think you can do it. Pin the description on your desk or wall or computer screen. Then keep saying to yourself "All that's true, but I still have to do the work!" A few (silent) curse words at this point can actually help you get it out of your system and get over it.

Some people schedule an artificial deadline before the real one. Say, make plans to go to a play or movie the evening before the project is due. That way you'll have to finish it early, and will have time the next morning to read it over and catch the inevitable typo's.

Make a commitment to someone whose good opinion you would like to keep (the hostage to fortune strategy). This is very effective. The person should not be a friend who will forgive you if you miss the deadline, but someone whom you'd like to impress or who will be very disappointed in you if you don't finish. (Embarrassment can work better than guilt.)

Those are some of our mind-games. What works for you?