

## **Lives Out of Control = Ethics Violation #1**

### **Lessons Learned from Folks in Control of Their Lives**

By Nancy Byerly Jones

The vast majority of grievances and malpractice claims filed against attorneys are not caused by mean-spirited attorneys wanting to cause their clients harm. Rather, they are generated by professionals (attorneys and staff) who've allowed their offices, work and lives to become unprofessionally disorganized, ridiculously overloaded and chronically chaotic.

### **A True Professional?**

Put in simpler terms, these “professionals” have lost control of their lives (or know they are about to do so!). Surviving yet another day of chaos becomes the accepted norm to their brutally exhausting lifestyles. Sadly, there are still some lawyers and legal assistants amongst us who claim we aren't REAL professionals unless we are acting in this manner – YIKES!! How wrong they are! Real professionals have the courage to face and make any changes needed and the wisdom to avoid the chaos and “costs” of an out of control life and work style.

### **Ethics Storm Warning!**

It may not be written in our Rules of Professional Conduct, but allowing our lives to continue spinning out of control exposes us to every ethical violation possible. Would you like to have an attorney or their staff members working on YOUR case when they can't even manage their own lives wisely?

Out of control attorneys and staff members say they have no time to brainstorm how to change things much less to make needed changes. Bottom line - they suffer, everyone around them suffers and absolutely no doubt their clients suffer greatly (from rushed conferences, unreturned phone calls, lack of preparedness in the courtroom, sloppy documentation, careless clerical errors, blatant oversights and missed deadlines, etc., etc., etc!). And, in this author's opinion it is absolutely unethical to hold our shingles out as attorneys without having our “houses” are in order. And when we're in it up to our eyeballs and if and when things start getting out of hand again, it our DUTY to stop the whirlwind and make whatever changes are required in order for us to regain control. It's that simple – not easy I know, but simple. Maintaining such control should be our #1 polar star when it comes to actually being (vs. merely claiming to be) ethical players within our legal system.

### **Resources Unlimited**

There are countless resources in today's world to help us in turning around and enhancing our personal and professional lives. Also, it helps tremendously to share the journey with a partner, coworker or friend. Take advantage of the guidance and coaching of the right mentor for you and/or seek whatever professional help is appropriate.

Spend the necessary time searching for the resources and “coaches” that are right for you and quit putting off getting started. Do it now! The future is not ours to claim – the moment at hand is! Being in control of our lives in a smart and healthy manner is great insurance for ensuring the best quality of our one life here on earth. And, in the long run, taking back control over our personal and professional lives truly is the cheapest insurance around! By doing so, we will:

- ◆ benefit each and every day;
- ◆ all of our relationships in and out of the office will be healthier and more enjoyable; and
- ◆ our clients will be far better served (ethically and otherwise).

Listed below are partial listings of characteristics shared by genuinely contented attorneys and staff with whom I've had the pleasure of working. They maintain (or have reclaimed!) control over their work and lives. They are far more productive in eight hours than their spinning-out-of-control coworkers are in sixteen. Many of these people's lives were once dangerously out of control. Some suffered from depression, substance abuse or worse. All, however, found their way back and the solutions they learned were pretty simple. What was and is difficult is:

- ◆ making the decision that enough is enough;
- ◆ sticking with our “clean-up our lives” goals; and
- ◆ standing steadfast when the discomforts of change try to blow us back to our old (costly and destructive!) habits and systems.

Again, the lists shared below are intended merely as a starting point. Hopefully, they will help you identify areas in and out of your office that need priority attention, a little adjustment or perhaps a major “remodeling” effort on your part.

## **Technology**

- ◆ Embrace it – don't fear it.
- ◆ Learn at least one new technology skill each month.
- ◆ Practice thoughtful email etiquette and know the hazards and limits of email.
- ◆ Safeguard confidentiality in cyberspace (including Twitter, Facebook, etc!).
- ◆ Have strong, state of the art policies that you actually monitor and mandate when it comes to emails, internet use, social media, etc.!
- ◆ Save paper when computers can do the job. Scan, scan, scan!
- ◆ Backup daily, keep backups in a fireproof, safe, off-site location and ensure that the restorability of your backups is checked often!
- ◆ If you are not using case management software, wise up and get it...now and if you're using SaaS (software as a service or "cloud"), make sure you've done your homework **thoroughly** in checking out the provider of your service!
- ◆ Maximize the value of your voice mail greetings and messages. Ask callers to define their “emergencies” in detail, state when you can be reached or when you

will return calls, thank them for calling, be clear about what you need, etc.

- ◆ Make your website/blogs of value to visitors instead of just serving as an electronic business card. And, if you're not going to ensure they are kept updated on a fairly regular basis, take them offline (old, neglected, incomplete websites send out the wrong messages to visitors about your attention to detail, conscientiousness, tech savy, etc.....in other words, a website waaaaay overdue for a facelift/update can do you more harm than good)
- ◆ Take at least a one-day vacation each week from technology – no news, no e-mail, no texting, no tweeting, no voice mails, etc! After your initial withdrawal symptoms dissipate, you will love your newfound, temporary freedom.

### **Supervising Staff**

- ◆ Offer frequent constructive feedback.
- ◆ Show appreciation for jobs well done publicly and criticize privately.
- ◆ Go the distance in implementing changes needed (i.e. stick to ensuring changes promised indeed happen when you said they would).
- ◆ If you must talk about other employees behind their backs...make it positive! Otherwise, never miss the opportunity to just SHUT UP!
- ◆ Provide adequate, timely and appropriate training.
- ◆ Teach or bring in trainers/mediators to help improve conflict resolution skills.
- ◆ Offer effective communication workshops and set a good example yourself!
- ◆ Encourage all employees to live balanced lives. Never try to make an employee feel guilty for taking deserved time off or for having the AUDACITY to be under the weather occasionally!
- ◆ Keep employees timely informed of office events...beat the gossip grapevine....always!
- ◆ Do not tolerate or allow anyone (no matter how big a rainmaker or senior they are or how great their skills may be) to be an office bully (e.g. bad language, other verbal violence, intimidation, harassment of any nature, unfair expectations, etc.!)

### **Working for Attorneys**

- ◆ Beware working just for a paycheck...love what you do (most days that is!) or don't do it!
- ◆ Avoid high schoolish gossip, cliques, etc. (this includes listening to gossip – even if you're not actually doing the gossiping, the act of listening = participation! See my blog post entitled "Workplace Gripes? Quite Complaining, Start Resolving!" <http://www.lawbusinesstips.com/category/conflict-resolution/workplace/>)
- ◆ Dress professionally not for the cocktail hour. You're there to work -- not flirt, show off your bodily "assets" or otherwise act/dress unprofessionally.
- ◆ Voice your office concerns in writing including at least two possible solutions. If you don't vote, we're told not to gripe about who wins an election. If we're not going to be part of the solution, then we should at least keep our gripes to ourselves.
- ◆ Keep improving your skills, growing professionally...always!

- ◆ Promptly squash bad attitude moments and make timely attitude adjustments.
- ◆ Help others without being asked and without expecting credit for it.
- ◆ Don't be an office bully or allow anyone to bully you!
- ◆ Enthusiastically assume new job responsibilities.
- ◆ Share your career goals with supervisor(s) and if they aren't interested when you do, heed that between the lines message!
- ◆ Each quarter (at a minimum), brainstorm some ways your firm could save money, be more efficient, reduce stress, make clients happier, etc.....in other words, act/think *beyond* your job description...this is what true professionals do!

### **Smart Health Choices**

- ◆ Exercise daily in ways that are enjoyable and safe for you. Try new activities. Learn how to deep breathe correctly and do it often – one of the simplest, cheapest and greatest tranquilizers available to us all and at any time. For a quickie starter lesson in deep breathing listen to my audio at <http://www.lawbusinesstips.com/resources/quick-audio-workshops/>
- ◆ Eat smart; stop when no longer hungry (vs. when you're stuffed) – simple, smart, but how many of us do this often enough!?
- ◆ Take time to nurture your spiritual side in the way that's right for you (not forced upon you or expected of you).
- ◆ Keep a top ten "fun couple activities" list for you and your significant other
- ◆ Ditto re a top ten "fun activities" list for your entire family.
- ◆ Reassess your personal and professional priorities often.
- ◆ Make an action plan (goals, what needs to be done by whom) for the top five or more personal and professional goals you'd like to achieve within a specified time period.
- ◆ Simply all aspects of your life! Knowing how to be still or just be is an undervalued and priceless treasure and less really is more in most situations
- ◆ Count your blessings daily instead of focusing on what you don't have or can't do.
- ◆ Live in the "now" – instead of getting stuck in the past or future which only robs us of the present moment on hand

### **A Few Characteristics of Successful Firms (Big or Small)**

- ◆ Leadership agrees on the firm's objectives and all employees are timely and fully informed as well.
- ◆ A simple, but detailed action plan exists to help guide, monitor and keep the firm on course in reaching its goals vs. merely surviving another day and another and another....
- ◆ Budgets are made, understood, monitored and followed.
- ◆ Employees are valued and they know it (no office bullying is tolerated – ever!)
- ◆ Leadership recognizes that successful firm promotion includes more than

traditional, external marketing efforts. All employees understand their ongoing roles in marketing the firm via excellent client communications and work product.

- ◆ The firm seeks clients' feedback regarding the quality and timeliness of services provided, client ideas for improving or adding new practice areas and more.
- ◆ Leaders set good examples of respecting one another, strong and consistent leadership skills and the wisdom to resolve any and all disputes promptly.
- ◆ Employees are respected and valued. This includes timely and adequate training being provided along with all the necessary "tools" to get the job done (in addition to practice area workshops, employees are taught how to communicate more effectively, stress management and team playing skills).
- ◆ Systems/procedural/personnel/work product reviews are conducted frequently – not just annually or worse, more infrequently.
- ◆ Any changes needed are faced squarely and implemented in a decisive and timely manner...not merely talked about over and over and over.

### **Recommended Non-Legal Reading for Attorneys & Staff**

- ◆ For animal lovers - Marley & Me: Life and Love With the World's Worst Dog by John Grogan
- ◆ Who Will Cry When you Die? Life by Robin Sharma
- ◆ Horse Sense for People by Monty Roberts
- ◆ The Book of Agreement (2nd Edition) by Stewart Levine
- ◆ Spiritual/inspirational books including ones on living in the moment (e.g. Eckhart Tolle's books)
- ◆ Humorous stories, movies, whatever!

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