



# Frankenstein's lawyer

or, The Modern Themis

## How modern lawyers are built from many pieces

The year is 2021. Everyone has a supercomputer in their pocket. Artificial meat is 3D printed in a lab. Somewhere a car is driving itself and a robot is doing a backflip. And, at long last, many courts have finally instituted remote hearings by videoconference.

The legal system may adapt slowly to changing technology, but modernity eventually comes for us all. Today, lawyers must balance a variety of skills that go beyond case note-ups and precedent drafting to grow a successful practice. It is not only necessary to be adept at practice management and have thorough legal knowledge, but lawyers must have a strong understanding of technology; strong communication skills across various mediums to meet their clients' needs; and networking and mentoring skills. All while taking care of their mental and physical health and wellness.

Finding the right balance can be difficult, but you won't be doing it alone. LAWPRO provides resources for lawyers to build their skill-sets in all these areas.

### Technology

Whether you are provided equipment by your employer or you invest in computer hardware and software yourself, there are a few basic areas in which technology skills are of particular value, such as email organization and cybersecurity.

#### Email

When it comes to using your email application, it's a good idea to organize all messages with a standardized format for subfolders. Email folders can be organized by client, with subfolders for distinct matters and files. The format you use for organizing subfolders can then be extended to your email subject lines. A standardized subject format such as "*Client – Matter – Topic*" will help you easily locate what you need when using the application's search function.

To save even more time, you can create a "Rule" that will automatically sort incoming emails from specific senders into the correct

folder and subfolder. You can similarly set your application to sort outgoing messages automatically in the appropriate folder, rather than manually moving them from the default Sent folder.

For more information, see “A place for every email and every email in its place: Improving your inbox organization” from the 2020 Student Issue of *LAWPRO Magazine*.

### Cybersecurity

Phishing attacks and other forms of cyberfraud are an increasingly common source of loss for lawyers. To avoid catastrophic loss of information or funds, always use complex passwords along with two-factor authentication (password management software is often a necessary aid). Of course, you should also maintain adequate and updated anti-virus software, use end-to-end encryption when transmitting data over the internet, and regularly back up your data to mitigate ransomware attacks.

Fraudsters often use phishing attacks to target lawyers. Train yourself and staff members to never click on suspicious links and verify any instructions received by email. Additional cyber insurance may be necessary to maintain financial security from these sorts of attacks.

For more information see LAWPRO’s pamphlet on “Cybersecurity and fraud prevention tips.” As well, check out “Taking the gloom out of Zoom” in this issue for more advice on videoconferencing.

## Communication skills

Communication breakdowns and misunderstandings cause close to half of malpractice claims. While some lawyers may prefer communicating by email, and others may value face-to-face business lunches, it’s important to meet the preferences and expectations of clients. If a client or third-party usually reaches you by phone, for example, you can assume it’s their preferred method of communication.

Communicating by telephone is a skill that has languished for some lawyers. Often steps such as delivering bad news, addressing outstanding accounts, or putting the brakes on an escalating conflict can be best achieved through a phone call rather than text-alternatives.

While it may seem silly at first, taking steps such as preparing a written outline for important calls, practising active listening techniques while on a phone call, and taking the time to prepare a short, clear voicemail when the recipient is not available, can do much to alleviate telephone anxiety and improve communication with clients, opposing counsel, and other individuals.

For more information, see our article “Communicating like it’s 1876: The continuing importance of telephone skills for lawyers” from the 2020 Student Issue of *LAWPRO Magazine*.



## Networking and building relationships

Starting a legal career can be an isolating experience. That’s why it usually takes a deliberate effort to find effective mentors and build relationships with peers.

When navigating the complicated legal profession, new lawyers can benefit from building relationships with other lawyers who can act as *advisors* (someone that can offer assistance in a particular practice area), *coaches* (someone that can help improve particular practice management skills), *sponsors* (someone that can act as a personal reference and provide networking contacts), or *counsellors* (mental health professionals or peer-counsellors that can provide professional wellness advice or wisdom from personal experience).

Resources such as the LSO’s *Coach and Advisor Network* or the *Member Assistance Program* (where lawyers can obtain professional counselling or speak with a peer regarding mental health concerns) can give new lawyers a boost in establishing such relationships.

For more information, see “It takes a village to build a lawyer: The importance of mentors in your legal career” from the 2019 Student Issue of *LAWPRO Magazine*.

## Wellness

By the time Canadians reach 40 years of age, almost half will have or have had a mental illness. These problems are even more common among lawyers: The American Bar Association has found that the likelihood of depression is 3.6 times higher for practising lawyers.

With an ongoing pandemic leading to isolation, loneliness, and new work-from-home stresses, mental health concerns are more important than ever in 2021.



It's important for lawyers to know that their mental health concerns are common, and there is no shame in experiencing a mental health issue. We are all human and are all susceptible to the psychological impacts of the pandemic.

### Keeping an eye out for red flags

Lawyers work in high-pressure environments and are prone to anxiety, stress, addiction, and depression. It's important to attend to the warning signs of these issues when they arise.

For example, lawyers and students may sometimes notice a change in their colleagues such as an observed difficulty completing tasks, even if their colleagues have more free time. They may show obsession over anxieties about the future to the point that it impacts their abilities to complete obligations.

Even more importantly, lawyers and students may observe these symptoms in themselves. These problems can grow if not properly addressed.

Check in with those in your office or school to help them know they are supported, and have access to assistance if they are experiencing difficulties. You can set an example for co-workers and classmates by discussing your own concerns, stresses, and mental health, and the steps you are taking to protect your resilience during these times.

For more information on mental health advice, see our article "Stress management for law students (from a recent grad!)" in the 2016 Student Issue of *LAWPRO Magazine*.

### The Member Assistance Program

In Ontario, the MAP is co-funded by the Law Society of Ontario and LAWPRO to provide mental health and wellness assistance to lawyers, paralegals, students, and their families. It provides numerous resources aimed at improving mental health and wellness.

Through the MAP, lawyers and students can find e-courses on health and wellness and can be completed at your convenience.

The MAP also provides peer-to-peer support; professional counselling for depression, trauma, and other mental health concerns; childcare and eldercare resources; and lifestyle coaching for subjects such as smoking cessation.

For more information, see "Using the MAP to find a healthier way" in Volume 19:1 of *LAWPRO Magazine*.

### Physical health

Maintaining your physical health is important to ensuring your creativity, attentiveness, faculties, and life enjoyment. Often, physical exercise and healthy eating will be deprioritized when facing long nights and take-out dinners.

But ensuring a good night's rest, regular physical activity, and a balanced diet helps avoid fatigue and irritability.

The *Member Assistance Program* and various employers offer helpful resources to maintain physical health, but the real secret is just following the advice we all received growing up: avoid junk food, take the stairs, go for that walk, and go to bed.

### Work/life balance

Small things can make a big difference for work/life balance. Many lawyers maintain a tether to their jobs by being constantly available by email, text, or phone call—sometimes even late into the night, on weekends, or on vacation. This can lead to smartphone addiction and burnout.

Establishing clear boundaries by alerting colleagues and clients you will be completely (or almost completely) unreachable when on vacation and putting the smartphone away for set periods of time in the evening and on weekends, can increase life enjoyment and effectiveness when you turn your mind back to your job.

## Maintaining the balance

Building a successful practice means constantly learning and growing as a lawyer and an individual. LAWPRO is here to provide advice, resources, and assistance for all lawyers every step of the way. ■

