

Practicing with Professionalism Program Materials

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RACHEL CASPER directs strategic operations and marketing at Lawyers Concerned for Lawyers (LCL) in Boston. LCL is a lawyer's assistance program assisting attorneys, law students, and judges with addiction, mental health, well-being, and law practice management issues through its Mass LOMAP services. Ms. Casper works on making LCL | Mass LOMAP's client services and resources as accessible, effective, and enjoyable as possible to help busy lawyers manage a fulfilling quality of life and rewarding career. Find more at LCLMA.ORG.

SUSAN M. FINEGAN is a partner in the litigation section and chair of the pro bono committee at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC in Boston. Appointed the firm's first pro bono partner in 2007, Ms. Finegan serves as lead counsel on numerous high profile pro bono litigation matters involving immigration issues. She also manages the firm's pro bono efforts, consisting of over 300 varied cases throughout Mintz Levin's eight offices. Ms. Finegan has been a cochair of the Massachusetts Access to Justice Commission for several years, and currently serves as the chair of the Access to Justice Commission's COVID-19 task force. From 2004 to 2007, Ms. Finegan served as legal director of the Victim Rights Law Center, overseeing free statewide civil legal services to sexual assault survivors and providing training to legal aid attorneys nationally. While previously at Mintz, from 1993 to 2004, as an associate and then a partner, Ms. Finegan handled complex commercial cases in both state and federal trial and appellate courts. Following law school, she served as a law clerk at the U.S. District Court and at the Massachusetts Supreme Judicial Court.

SHAWN HEALY is a clinical psychologist with Lawyers Concerned for Lawyers, Inc. (LCL) in Boston. LCL is a lawyer's assistance program assisting attorneys, law students, and judges with addiction, mental health, and law practice management issues through its Mass LOMAP services. Dr. Healy frequently runs stress management groups for law firms and has provided numerous trainings on time and stress management to various bar associations, legal organizations, and law firms. He serves on the Massachusetts Supreme Judicial Court standing advisory committee on professionalism, as well as on the Massachusetts Bar Association's lawyer well-being committee (2020–2022). He is a frequent writer on the topics of conflict resolution, anxiety management, stress management, time management, and work-life balance. He is the coauthor of *The Full Weight of the Law: How Legal Professionals Can Recognize and Rebound from Depression*, an American Bar Association (ABA) publication, and has also been published in the ABA's *GP Solo Law Practice Magazine*, *Massachusetts Lawyers Weekly*, and *Attorney at Work*. Find more at LCLMA.ORG.

MICHAEL A. KIPPINS is an associate in the litigation department at Seyfarth Shaw LLP in Boston. His practice includes a range of business litigation and counseling, with a focus on franchise disputes, trade secret and noncompete matters, and antitrust issues. He previously served as a judicial clerk to Justice Margot Botsford of the Supreme Judicial Court and Justice R. Malcolm Graham of the Massachusetts Appeals Court. Mr. Kippins obtained his bachelor of arts in economics from Cornell University before attending Northeastern University School of Law, where he received his juris doctor.

KRISTY A. LAVIGNE is an assistant bar counsel with the Office of Bar Counsel. Before joining the Office of Bar Counsel in August 2020, Ms. Lavigne was an assistant attorney general prosecuting insurance and unemployment fraud at the Massachusetts Attorney General's Office for seven years, and an assistant district attorney at the Cape and Islands' District Attorney's Office for nine years. She serves as the president-elect of the Women's Bar Association of Massachusetts (WBA). Prior to her current role, she was appointed as WBA treasurer for three years and has served on the WBA board of directors since 2016. Ms. Lavigne is also a member of the Boston Bar Association, where she has participated in the bar exam coaching program as a mentor since 2017. She attended Stonehill College and Suffolk University Law School (SULS). Through SULS, she has served as an alumni mentor since 2011 and as a volunteer with alumni admissions outreach since 2013.

BETHANY YUE-PING LI is a senior staff attorney at Greater Boston Legal Services (GBLS) in Boston and director of the Asian Outreach Unit. Prior to working at GBLS, she was a Robert M. Cover Fellow and clinical lecturer in law at Yale Law School and a staff attorney at the Asian American Legal Defense and Education Fund. Ms. Li is a graduate of Amherst College and Georgetown University Law Center.

MICHAEL J. MERRIAM is an insurance attorney in Boston. He serves as the managing attorney for the Plymouth Rock Assurance Corporation, where he oversees the house counsel operations in Massachusetts and Connecticut and litigates tort and insurance coverage matters in courts in Massachusetts. He is vice president of the Essex County Bar Association and a volunteer mediator in the Lynn District Court. Mr. Merriam is a graduate of Suffolk University Law School and Stonehill College.

CHRISTINA MILLER is an assistant clinical professor of law at Suffolk University Law School in Boston. Previously, she was chief of district courts and community prosecutions for the Suffolk County District Attorney's Office. She is a graduate of Northeastern University School of Law and Ohio Wesleyan University.

KATHLEEN M. O'DONNELL is a sole practitioner in Milton, where her real estate practice includes residential conveyancing and title research as well as the representation of municipalities in projects relating to affordable housing and conservation of open space. Ms. O'Donnell is currently president of the Abstract Club. She is a past president of the Real Estate Bar Association for Massachusetts and former chair of the Boston Bar Association's real property section. She is a member of the planning board for the Town of Milton. She is also a board member of the Massachusetts Land Trust Coalition and a member of CREW. Ms. O'Donnell is a graduate of Boston College and the University of Miami School of Law.

CYNTHIA T. RUNGE is the founder and owner of Peridot Family Law LLC in Boston, where she focuses on divorce mediation, family, and collaborative law. She is admitted to the bar in both Massachusetts and New York. She is a member of the Massachusetts Council for Family Mediation, a member of the Massachusetts Collaborative Law Practice Council, a member of the dispute resolution section of the Massachusetts Bar Association, and a member of the New England

Association of Conflict Resolution. Ms. Runge graduated from Whittier College School of Law (J.D.) and Boston University (B.S.). She also received a certificate in museum studies from Tufts University.

PAYAL SALSBURG is a partner at Laredo & Smith LLP in Boston. She focuses her practice in the areas of business litigation, corporate advice and counsel, and white collar criminal defense. She represents corporations, small businesses, and individuals in connection with an array of matters, including contract and business disputes, False Claims Act litigation, and government and internal investigations. She also routinely advises closely-held businesses on corporate and employment matters. Ms. Salsburg speaks fluent Hindi. She is active in the Boston Bar Association (BBA) as a member of the BBA/BBF joint planning committee, the standing ethics committee, and the steering committee of the business and commercial litigation section. Prior to joining Laredo & Smith, Ms. Salsburg was a litigator with Proskauer Rose LLP, in the Florida and Boston offices. She is a graduate of the College of Saint Elizabeth, the University of Colorado at Boulder, and Nova Southeastern University's Shepard Broad Law Center.

MICHAEL P. SAMS is a founding member and shareholder of Kenney & Sams, PC in Boston. He has received an "AV" rating, the highest rating for legal ability and professional ethics, from the *Martindale-Hubbell Law Directory*. His practice focuses on commercial litigation and trial work. Mr. Sams has successfully tried numerous cases before the Massachusetts Superior and District Courts, the U.S. Department of Labor, the Division of Administrative Law Appeals, and the Department of Industrial Accidents. He has successfully tried bid protest matters before the Office of the Attorney General and has handled appeals before the Massachusetts Supreme Judicial Court, the Massachusetts Appeals Court, and the U.S. Court of Appeals for the First Circuit. Mr. Sams is an officer on the MCLE board of trustees, general counsel to the Gould Construction Institute, a member of the Northeastern University School of Law alumni board, a past president of the Massachusetts Defense Lawyers Association, and a past chair of the Boston Bar Association's construction law committee. He has been a Massachusetts and then New England "Super Lawyer" since 2004 and rated one of the "Top 100" attorneys in New England. He has also repeatedly been selected to *Best Lawyers in America*.

VICTORIA M. SANTORO MAIR is a shareholder at Meehan, Boyle, Black & Bogdanow, PC, in Boston, where she handles a variety of types of cases, including pharmaceutical litigation, wrongful death, medical malpractice, and sexual assault. She also regularly handles arbitration, mediation, complex brief writing, and motion hearings. She cochairs the Boston Bar Association's recently elected partners forum and serves on the executive management board of the Massachusetts Bar Association (MBA). She is a member of the MBA's House of Delegates, a past chair of its young lawyers division, and a member of its Oliver Wendell Holmes scholarship committee. In 2014, she received an "Excellence in the Law: Up & Coming Lawyer" award from *Massachusetts Lawyers Weekly*. She speaks regularly at national legal conferences and local continuing legal education seminars, and has been a guest speaker in law schools. Ms. Santoro Mair is a graduate of Wesleyan University and Boston College Law School.

INGRID C. SCHROFFNER joined the Office of Management at the University of Massachusetts Chan Medical School in March 2020. Previously, she served as acting deputy general counsel and as associate general counsel at the Executive Office of Health and Human Services (EHS). She joined EHS as assistant general counsel in 2008 as the lead attorney for MassHealth Estate Recovery. She has written and spoken extensively in her areas of expertise, most recently on issues of unconscious bias. A native of Hawaii, Ms. Schroffner is a past president of the Asian American Lawyers of Massachusetts and served on its board from 2002–12. Since 2012, she has served on the Supreme Judicial Court standing advisory committee on professionalism. She has also served on the MCLE board of trustees since 2019 and is cochair of its diversity and inclusion committee. *Massachusetts Lawyers Weekly* named her among its “Top Women of Law” in 2013. Ms. Schroffner graduated from Boston College (Phi Beta Kappa, summa cum laude), and Boston College Law School, where she was a recipient of the Campbell Fellowship and the White, Inker, Aronson Professional Achievement & Service Award.

MATTHEW M. YOSPIN is a Boston-based patent and intellectual property attorney who relies on software and hardware to run an efficient legal practice, helping clients worldwide protect the innovations, creations, brands, and knowledge that power their businesses. He loves finding tech that will save him time. He wears orange ties, and for fun, ask him about his data backup strategy or about the piece of software he named after a favorite Star Trek character.

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Program Agenda

Monday, November 15, 2021

8:30 a.m. – 9:00 a.m.

Check-In and *Practicing with Professionalism* Video Montage

10-minute video featuring prominent judges and lawyers addressing professionalism, civility, the importance of pro bono service, bar membership, continuing legal education, and what it is like to practice law in the Commonwealth of Massachusetts.

9:00 a.m. – 9:05 a.m.

Law as a Profession: The Relevance and Importance of the Practicing with Professionalism Requirement

- A member of the SJC’s Standing Committee on Professionalism emphasizes the value of this course, and identifies attributes and the importance of professionalism in the practice of law, while also highlighting the historical significance of Massachusetts lawyers in upholding the rule of law.

Ingrid C. Schroffner, Esq., *University of Massachusetts Medical School Office of Management, Shrewsbury*

9:05 a.m. – 9:45 a.m.

Professionalism in Developing, Managing, and Maintaining Relationships—and in Problem Solving

- Your reputation takes years to build; start off right today: Civility in attorney-client relationships, attorney-to-attorney interactions, relationships with colleagues (including non-attorney staff), and communication with court and government agency personnel must all be respectful and rooted in ethical principles.

Kathleen M. O’Donnell, Esq., *Law Office of Kathleen M. O’Donnell, Milton*

Michael P. Sams, Esq., *Kenney & Sams, PC, Boston*

- How to artfully balance the tension between zealous advocacy and the duty to conduct oneself civilly at all times; and how to diffuse difficult personalities (group session).

9:45 a.m. – 10:40 a.m.

Connecting with the Legal Community: Building Your Skills, Reputation, and Network through Pro Bono Work, Continuing Legal Education, and Engagement with Bar Associations

- Supporting Access to Justice and Pro Bono Service
Susan M. Finegan, Esq., *Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC—Moderator*
Bethany Yue-Ping Li, Esq., *Greater Boston Legal Services, Boston*
Cynthia T. Runge, Esq., *Peridot Family Law LLC, Boston*
Payal Salsburg, Esq., *Laredo & Smith LLP, Boston*
- Engaging in Bar Associations and Continuing Your Legal Education
Michael A. Kippins, Esq., *Seyfarth Shaw LLP, Boston*
Michael J. Merriam, Esq., *Law Offices of Michael J. Merriam, Boston*
Christina Miller, Esq., *Suffolk University Law School, Boston*
Victoria M. Santoro Mair, Esq., *Meehan, Boyle, Black & Bogdanow, PC, Boston*

Ingrid C. Schroffner, Esq., *University of Massachusetts Medical School Office of Management, Shrewsbury*

10:40 a.m. – 11:20 a.m.

Challenges and Opportunities of New Technology and Social Media

- Maximize the benefits of technology and social media in your practice and marketing, with civility, while steering clear of potential ethical traps and pitfalls.

Matthew M. Yospin, Esq., *Law Office of Matthew M. Yospin, Boston*

11:20 a.m. – 11:35 a.m.

Break

11:35 a.m. – 12:20 p.m.

Implicit Bias; the Importance of Diversity and Inclusion in the Legal Profession; and Promoting Access to Justice

- Impact implicit biases have on the practice of law, including on attorney interactions, client representation, court access, and jury selection. What can lawyers do to address this problem and promote diversity within, and equal service from, the legal profession?

Ingrid C. Schroffner, Esq., *University of Massachusetts Chan Medical School, Office of Management, Shrewsbury*

12:20 p.m. – 1:05 p.m.

Tools and Resources for Maintaining Your Professional and Personal Well-Being: A Better Practice and a Better YOU

- Top 10 tips for avoiding rookie missteps that can lead to an inquiry from the Office of Bar Counsel.

Kristy A. Lavigne, Esq., *Office of the Bar Counsel, Commonwealth of Massachusetts*

- Resources abound: The importance of well-being, and tips for caring for yourself and your practice from Lawyers Concerned for Lawyers (LCL) and its Law Office Management Assistance Program (LOMAP).

- <https://lawyerwellbeingma.org/news/mentorship-program-signup>
Rachel Casper, *Massachusetts Law Office Management Assistance Program (LOMAP), Boston*

Shawn Healy, Ph.D., *Lawyers Concerned for Lawyers, Inc., Boston*

<https://lawyerwellbeingma.org/news/mentorship-program-signup>

1:05 p.m. – 1:15 p.m.

Closing Remarks

- Be proud to be a lawyer, and develop the great one inside you!

Kathleen M. O'Donnell, Esq., *Law Office of Kathleen M. O'Donnell, Milton*

Please complete the program evaluation online: <https://tinyurl.com/pwp-november2021>

WELCOME TO THE PROFESSION!

SECTION 1

**Implicit Bias, the Importance of Diversity and Inclusion
in the Legal Profession, and Promoting Access to Justice**

Ingrid C. Schroffner, Esq.

University of Massachusetts Chan Medical School Office of Management, Shrewsbury

Best Practices

- ▶ Resolve misunderstandings before they fester.
- ▶ Take ownership of mistakes and pledge to learn from them.
- ▶ Pause before you react.
- ▶ Ask questions rather than provide solutions.
- ▶ Ensure all voices in the group are heard.
- ▶ Be critical of your own perceptions and biases before making a decision.

Best Practices & Tips

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Tips to think about addressing bias

- Acknowledge your bias
- Take note of your first impression, is it a bias or stereotype?
- Stop and think before making a decision
- Set clear criteria related to performance
- Embrace differences
- Take the perspective of others
- Have a sense of accountability (can you justify your bias/decision?)
- Deliberative processing

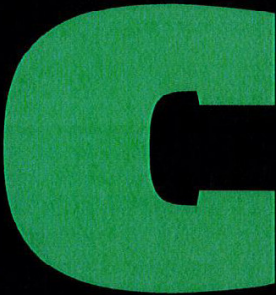
Best Practices & Tips

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Telling Stories

In Law, and in Life, Cultural Competence is Key

BY INGRID CHIEMI SCHROFFNER



Can we live our lives, relishing the inevitable contradictions, and try to harmonize and transform the complexities into something for the greater good through sharing with others? That is what cultural competence is all about – reaching out to a diverse other with respect, to understand their story, notwithstanding any perceived ethnic veneer. Cultural competence is not just about educating ourselves about different cultures, but acting on what we learn. Although this particular discussion may be ostensibly geared towards attorneys, the main concept applies to many other professions and contexts.

an affidavit filled with information that the client does not agree with and therefore will not sign. Likewise, a fact finder hearing such acquiescence might also read a response, with respect to a fact, with a different meaning than intended by the person testifying.

Steps Towards Cultural Competence

Ask yourself which groups you may feel a part of, and in what order, whether it is gender, ethnicity, profession or something else. Whether you or your clients' particular identifying groups are dominant, or have characteristics that are considered a "norm," might depend on the city or state. Whether or not a member of a dominant racial or other group in a particular location, our positions as attorneys provide us

Storytelling in Law

Lawyers often overlook the human aspects of storytelling within their profession. The give and take of storytelling can be both instructive and inspiring – it is not a one-way street. It is this aspect of storytelling in the legal context that renders cultural competence so important for lawyers.

Taken further, this could waste valuable time and even cause distrust within the attorney-client relationship. One could end up drafting

We must be sensitive to issues that can arise from cultural differences. Some of these issues relate to communication problems by and among clients, attorneys, witnesses and judges. A judge must evaluate facts, which may be inadvertently distorted by the perspective of a litigant. For instance, what constitutes domestic violence or what property means to someone from another country may be different from what is conventionally viewed as such by a court. Another example is differing perceptions of what role a parent's culture and its ramifications should have in a child's education as an issue in a divorce/child custody matter. This is not to say that culture should be an additional legal factor. Rather, it is relevant to understanding the facts.

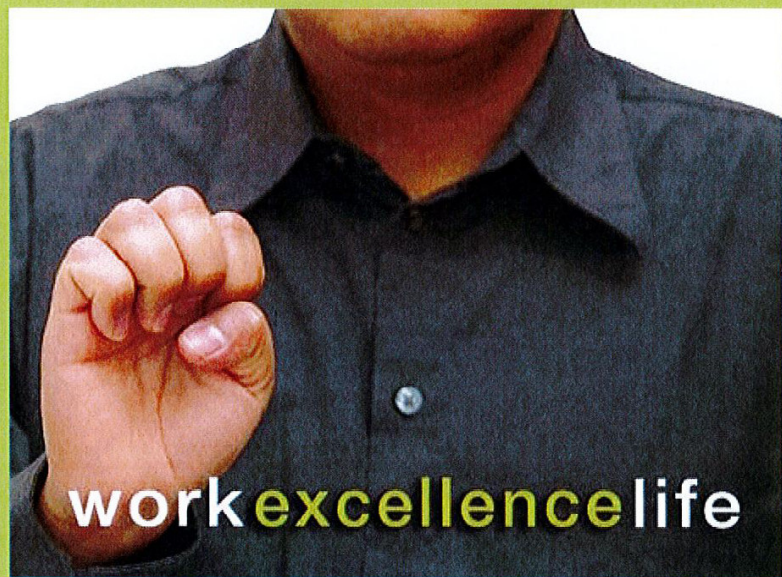
Each person has their own way of looking at things based on experiences, which are often driven by cultures and/or ethnicities. Individuals often see themselves as members of racial, ethnic or other groups. If we are not careful, miscommunication issues may arise when we attorneys represent individuals who are from other cultures, in an American courtroom. We may be unaware of our own assumptions. For instance, in the Japanese culture, a Japanese individual may say "yes" to indicate that he or she has heard or understood the speaker without necessarily agreeing with the substance of the question. A person who is not cognizant of this cultural consideration might misunderstand.



with power to help make justice accessible to those of different backgrounds. Consider these cultural professionalism guidelines for connecting with your clients: be mindful of the cultural barriers that your communications are passing through; do preliminary research on your client's culture and what you know about the culture *vis a vis* what your client has informed you about that culture as it specifically applies to him or her; focus on your main point only, at first; use clear, simple language and words; be careful not to speak louder than usual when you are not immediately understood; and recognize that you may need to ask a question several times to get a complete and accurate answer. It is also important to pay attention to nonverbal behavior (body movements, voice tone and eye contact). In some cultures, not looking an elder in the eye is considered polite and respectful, while in others, lack of direct eye contact is perceived as rude and can indicate that a person is untrustworthy.

Furthering Equal Access to Justice

When a cultural issue plays a role in a case, or a litigant's story, it is the attorney's duty to raise it. This may be especially true with respect to family disputes requiring legal adjudication. When representing someone where culture may be a factor, lawyers are obligated to use the tools of cultural competence. Due to the increasing diversity of the population, according to recent U.S. census statistics, it is incumbent on us to ensure that those litigants, whose backgrounds differ from the mainstream, have their interests properly represented. This sort of professionalism may require research on a particular culture. Even before any research is done, however, recognizing the need for it may be the first step to bridging the gap with respect to differing conceptions, communications and expectations. Those differing perspectives can stand in the way of revealing important facts. Once the need for cultural information to grasp a situation is identified, it brings the focus on meaningful communication to a new level because culture as a consideration is dignified with that recognition. Then, the story is more likely to be told and to an informed audience, promoting equal access to justice and the wider perception that people of all backgrounds are being heard.



The Letter 'E' in American Sign Language

MGH Council on Disabilities Awareness

Moving beyond compliance to ensure a comfortable environment for all individuals with disabilities.

The Massachusetts General Hospital Council on Disability Awareness was established to improve access and the overall experience for patients, family members, staff, volunteers and visitors with disabilities. Among the many goals attained by the Council are the addition of assistive technologies at MGH's Blum Patient & Family Learning Center. Visually impaired visitors have access to Zoom Text, Dragon Naturally Speaking, JAWS and a keyboard with oversized letters and numbers. In addition, the Council designed and implemented a web portal to assist individuals with mobility disabilities to navigate the hospital with increased ease. The most recent achievement was the creation of a beginning American Sign Language/Deaf Culture class. This course is open to MGH employees and is taught by a deaf instructor, which provides for a true immersion experience.

The Massachusetts General Hospital not only offers unparalleled opportunities for fulfilling work; we also believe we are enriched by an environment in which all employees, patients and their families can fully participate and contribute.

Join us. Our opportunities include all aspects of patient care, research, administration and operations. To see a complete list of our current opportunities and learn more about our benefits, please visit our website.

www.mghfordiversity.org



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By embracing diverse skills, perspectives and ideas, we choose to lead. EOE



Dear Readers,

Although the idea of a cold weather plays havoc with my Caribbean origins and my love of the warm sun, I do love the fall. The variety of hues in the Foliage in New England is particularly impressive and brings a sense of rejuvenation and new growth to come. Our debut into New York City is an example of such growth, and it is a step towards our goal of bringing inclusion and awareness into a broader perspective.

That said, October is National Disability Awareness Month and while it is often overshadowed by more celebrated months like Hispanic Heritage and Black History, it is equally important in our quest for inclusion. I invite you to send us your suggestions on improving our product and scope.

I would also like to invite you to join us at the All-Inclusive Awards in Boston on December 3, 2009. Please visit our website, www.colormagazineusa.com, for information, updates and how to buy tickets or become a sponsor.

Thank you for your support and I look forward to seeing you in the cities.

Josefina

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COLOR MAGAZINE

In a city rich in shades here is a color that includes all. Color Magazine is the premier all-inclusive monthly magazine that highlights and promotes professionals of color.

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ADDITIONAL READING

“Diversity & Inclusion in the Legal and Business Environment,” *Massachusetts Lawyers Weekly*, February 24, 2020. Available at: <https://masslawyersweekly.com/2020/02/20/diversity-inclusion-in-the-legal-and-business-environment/>

SECTION 2

Tools and Resources for Maintaining Your Professional and Personal Well-Being: A Better Practice and a Better You

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Office of the Bar Counsel, Commonwealth of Massachusetts



TOP TEN TIPS TO AVOID ETHICAL ISSUES

Kristy Lavigne, Assistant Bar Counsel
Office of the Bar Counsel
Massachusetts Board of Bar Overseers

COMMUNICATE

[Rule 1.4]



Return

Return clients' telephone calls promptly, even if you have no update



Respond

Respond to written communication & info requests from clients



Consult

Regarding Status, Objectives, Means



Notify

Notify your clients promptly if something has gone wrong



Cooperate

Respond to telephone calls & requests for information from the Office of the Bar Counsel & ACAP

Put it in writing

- **MUSTS**
 - Fee agreements [Rule 1.5]
 - Consents to conflict of interest [Rules 1.7- 1.9]
 - Notice of Fee Withdrawals [Rule 1.15]
- **SHOULD**
 - Non-engagement and disengagement letters [Rule 1.16]
 - Settlement offers and demands [Rule 1.2]
 - Notice of something going wrong
 - Requests for compliance



It's not your
file

Rules require attorneys to promptly provide clients a copy of their files upon request

Rule 1.15A specifies the information that must be provided and whether attorneys may charge the clients for copying

You cannot ransom the file for unpaid legal fees

Failure to do may result in complaint to OBC

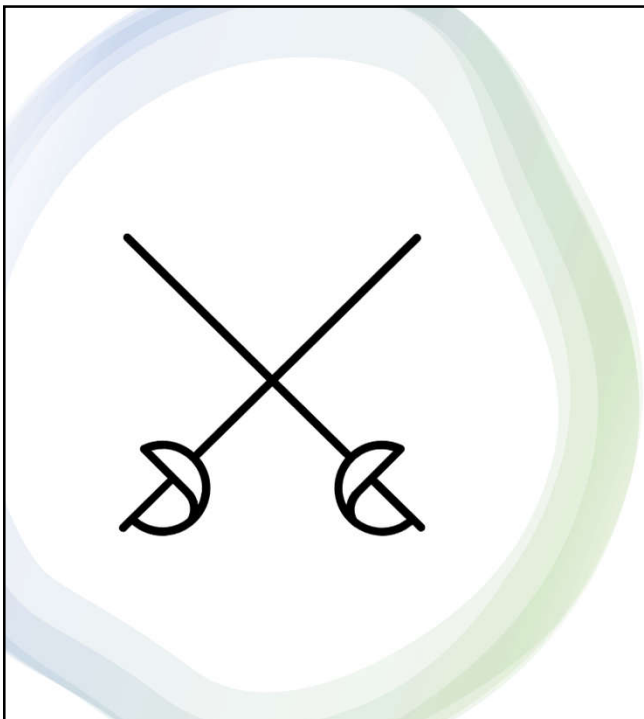
Breaking up is hard to do

- If you don't want a case, reject it ASAP
- Permissive & Required Withdrawals [Rule 1.16]
- You are either in a case or out of it; Don't withhold services for nonpayment
- Withdraw in accordance with tribunal rules
- Document termination of representation
- Return file and unearned fee
- Avoid noisy breakups
 - Do not disclose client confidences



If it feels like a conflict, it probably is


- Avoid conflicts of interest [Rules 1.7-1.12]
- Identify who is your client at the outset
- Develop conflict-checking system and use it
- Obtain waivers in writing where required
- Get Advice
 - Read Rules & Comments
 - Call the Ethical hotline
- Red Flags
 - Multiple clients in the same matter
 - Business relationship with client





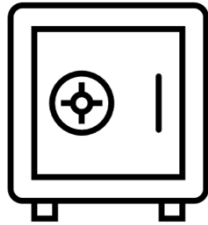
Don't take the money and run

- Requirements for client funds [Rule 1.15]
 - IOLTA or individual trust account?
 - What goes into account?
 - When/how can you withdraw?
 - What records must you keep?
- Put a record-keeping system in place and use it
 - Can delegate tasks, but not obligation
- Common Scenarios
 - Bounced Checks
 - Paying Firm Bills directly from IOLTA account
 - Improper reconciliation
- Resources
 - Trainings
 - Massachusetts IOLTA Committee website
 - Law Office Management Assistance Program (LOMAP)




Be aware of limits of advocacy

- Misrepresentations to Tribunal [Rule 3.3]
- Remediate client misrepresentations [Rule 3.3(a)(3)]
- Caution dealing with unrepresented parties [Rule 4.3]
- Never contact represented party w/o consent of counsel [Rule 4.2]
- Misrepresentations to Opposing/Third Parties [Rule 4.1, 8.4(c)]
- Civility: Be civil to clerks, court personnel, opposing counsel and clients



Maintain Confidences

- Keep client confidences [Rule 1.6]
- Concept of confidentiality much broader than attorney-client privilege which is a legal issue
- Be aware of your surroundings when discussing case
- Be aware of inadvertent electronic disclosures
 - Take appropriate security precautions
 - Take corrective measures if there is an inadvertent disclosure
- Be particularly wary when:
 -  Withdrawing
 - Responding to client complaints
 - Responding to online reviews
 - Talking with successor counsel
 - Revealing confidences to prevent violence/harm



Choose wisely, you must

- Don't accept every case
- Be aware of your skills and expertise
- If you are too busy or unable to handle the case, decline the case in writing
- If investigation reveals case is not viable, advise the client ASAP
- If asked to do something that violates your professional obligations by a client or supervising attorney, just say "no"

RESOURCES

- Comments to the Mass. R. Prof. C.
- Articles on ethics, disciplinary decisions, trainings, news– www.massbbo.org
- Ethical hotline of OBC:
2-4pm MWF (617) 728-8750
- Attend a trust account training program
- Massachusetts IOLTA Committee
- LOMAP (Law Office Management Assistance Program)
- Disciplinary decisions can be searched on Westlaw and through Social Law Library



Tools and Resources for Maintaining Your Professional Well-Being

Lawyers Concerned for Lawyers, Massachusetts | Law Office Management Assistance Program



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Welcome to the
Massachusetts
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SJC will continue effort to study, improve well-being of Bay State attorneys

By Jordan Frías Globe Correspondent, October 30, 2019, 9:11 p.m.



SJC Steering Committee on Lawyer Well-Being
Report to the Justices
July 15, 2019

“The obvious goal, which we all share, is to help all Massachusetts lawyers attain greater success in achieving a healthy, positive, and productive balance of work, personal life, and health.”



Attorney Well-Being: It's Not a Fad, It's a Movement

Law.com - Jan 10, 2019

Attorney Well-Being: It's Not a Fad, It's a Movement ... Working Group to Advance Well-Being in the Legal Profession (ABA Working Group).

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CAN YOU
RELATE?

I must **balance** multiple matters and deadlines.

I'm worried that I might **make a mistake** and that it will result in a serious consequence.

I feel **overwhelmed** by my clients' demands and needs.

I focus primarily on **solving others' problems** and rarely take time for myself.

I must **manage challenging** office relationships, politics, supervisors, and staff.

It's hard to **make time** for personal commitments and family.

I must make enough money to pay off **student loans** in addition to covering current **living expenses**.

I'm concerned I lack **training, mentorship, and support**.

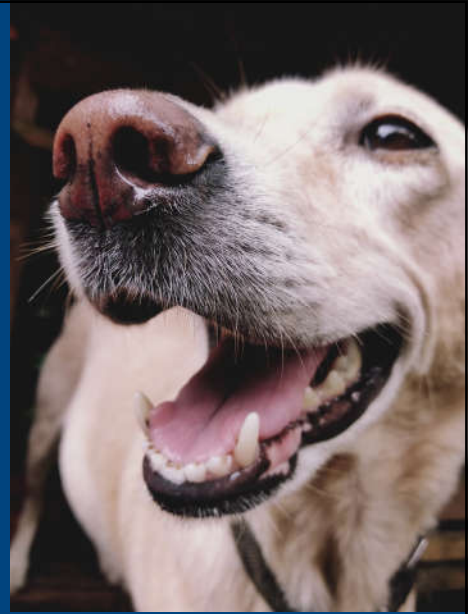
Sometimes I feel like **an imposter**.

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HEALTHY LAWYER 7 TIPS



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MAKE SELF-CARE YOUR FIRST PRIORITY.

TIP NUMBER *1*

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REMEMBER,
LAWYERS ARE HUMAN.

TIP NUMBER 2

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"It's an ergonomic ankle support to help you be more productive."

SCHEDULE ME-TIME
AND SET LIMITS.

TIP NUMBER 3

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**GET ORGANIZED.
STAY ORGANIZED.**

TIP NUMBER 4

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**TRY MEDITATION, OR JUST
FOCUS ON BREATHING.**

TIP NUMBER 5

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**DON'T IGNORE PROBLEMS;
BE AWARE OF OTHERS.**

TIP NUMBER 6

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- ✓ Bar Associations
- ✓ MCLE
- ✓ Social Law Library
- ✓ BBO Ethics
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- ✓ BBO Ethics Articles:
www.massbbo.org
- ✓ LCL | Mass LOMAP
- ✓ SJC Lawyer Well-Being Cmte

**USE RESOURCES AVAILABLE;
ASK FOR HELP.**

TIP NUMBER 7

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