WBASNY

The Women's Bar Association of the State of New York

presents

Convention 2022
Continuing Legal Education Series

Is There Such a Thing as a Happy Lawyer? Alleviating Stress Through Thoughts, Words and Actions

June 4, 2022
10:30 am - 12:00 pm

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IS THERE SUCH A THING AS A HAPPY LAWYER ?

Using Your Mental Skills to Deal with The Busy Life of an Attorney

Mental skills, or psychological skills are tools for the mind. This includes skills like positive self-talk, enhancing confidence, goal setting, and achieving the most productive mindset, among many other skills. Improving your psychological skills can enhance academic performance and your overall well-being.

Psychological Skills, CALE Learning Enhancement, Eastern Washington University.

We will cover 3 areas and Conclude

1. **How Your Thoughts Can Make You More Productive**
2. **How The Right Choice of Words Can Win Your Case**
3. **How Doing Nothing Can Help You Clear Off Your Desk**
4. **Conclusion**

1. **How Your Thoughts Can Make You More Productive**

I heard about a man who read that eating sugar was bad for your health

And he decided right then and there . . . no more reading

What is the lesson of that story ?

It is that we can choose what thoughts we focus our attention on, and the thoughts we focus our attention on become our life. In my story, the man focused on not reading again and chose that thought rather than the thought of not eating sugar again.

That's what we do every day, even if we are not aware of it. We focus our attention on specific thoughts, the things we think about grow and then we see them in our lives. Things exist because we think about them. There is nothing you can see that wasn't first thought of in someone's imagination.

For instance, all of us are attorneys. That is because we thought about it and focused our attention on education, law school and the bar exam. We didn't think about becoming lawyers and then go to dental school. Now maybe you had a passing thought about being a dentist but that's not what I am talking about. It is the persistent thoughts that matter.

We are all accomplished attorneys. We have all achieved many goals. We have analytical minds. We are capable. We have proven that we can succeed, and we should focus our minds on that. But instead, we often focus on difficulties and problems that make us feel inadequate, overwhelmed, and powerless. By doing this you only succeed in having more difficulties and problems and feeling bad. All of those thoughts may actually be blocking your proven abilities, but we are so used to thinking that way that we think we can't help it and accept it. That's just the way it is, right ? You must become aware of what you are focusing on and make a change where necessary.

A 2015 article by the American Bar Association listed common fears that lawyers have, and they included looking foolish or weak by asking questions, giving clients "bad news," and feeling that their offices or cases are out of control. 32 of Lawyers' Most Common Fears (ABA Journal, November 2015). It makes sense that those are our fears because the Rule 1 of the Model Rules require us to provide competent representation, maintain prompt and reasonable communication with our clients and not neglect our cases by being diligent. But if the common thoughts and fears are basically the opposite of our ethical responsibilities, we are laying the foundation that will challenge that responsibility. We are starting off behind the 8 ball. We must change our persistent thoughts.

Our persistent thoughts lead to decision making and cause changes in our lives for better or worse. These thoughts are very powerful. More powerful than we even realize. That's because we believe what we think. Sometimes without question. We just believe it. Even if it's not true.

Do We Believe Things That are Not True?

The important fact is that sometimes we believed something that isn't true and when you became aware of new information, you changed your belief. When I was a kid, I believed that 8 pm was bedtime and only adults got to stay up late. That is what I was taught and there was no evidence to the contrary. But as I grew up that belief changed even though now, I have new evidence and I can appreciate an 8 pm bedtime.

Placebo Effect - The placebo effect is where a patient is given a fake drug or fake surgery and they recover because they THINK and BELIEVE they will. There is even a Harvard study where patients were told they were being given a fake sugar pill for irritable bowel syndrome and it said "placebo" on the bottle. Still 59% of the people showed improvement even though they knew the pill they were taking had no active ingredients. Placebos produce effect even when patients know it's just sugar, M. Price, American Psychological Association (March 2011)

The Mandela Effect – This is a false memory shared by a large group of people. It is named after a shared belief that Nelson Mandel died in prison when in fact he was released, became President of South Africa and died in 2013. Phrases like "Play it again, Sam," "Beam me up Scotty," and "Luke, I am your father," were never spoken. The one I got caught on was "Does the Monopoly Man wear glasses?" I thought he wore a monocle but, in fact, he has no glasses. This may come from an Ace Ventura movie where Jim Carrey sees a bald man in a tuxedo wearing a monocle and says, "And you must be the Monopoly Man." What is the Mandela effect?, Medical News Today (July, 2020); See also, 40 Mandela Effect Examples That Will Blow Your Mind, Blake Bakkila, Good Housekeeping (Aug, 2019)

So, the question is - should we believe everything we think ?

Our thoughts are the only things we have 100% control over in our lives and it's the recurring or persistent thoughts that shape our lives - even if they are unreliable. But, if we have the ability to choose our thoughts (like our man in the story who chose to think he should give up reading rather than sugar) and our recurring thoughts turn into our reality, how can we become more aware of our thoughts so we can have more productive and happier lives ? How can we be more intentional in our thinking? See, CRITICAL THINKING SKILLS ARE VITAL TO WORKING IN LAW, Tim Segaller, LawyersMonthly.com (Dec. 2019) (Describes 2 types of critical thinking as either "autopilot" which is less productive or "intentional" which is more productive, and how to switch from one to the other.)

Do these thoughts sound familiar? (Raise your hand if they do)

I hate Mondays.

I hate my job.

My boss doesn't like me.

I am always late for work.

Traffic will be bad.

I don't have time to get all this work done.

That motion will take forever to finish.

I didn't send that client/claims update yet.

If anyone finds out how far behind on my work, I'll get fired.

I can't ask for help or I will look incompetent.

I am always so tired at the end of the workday.

I am too stressed out from work to enjoy dinner with my family.

I am going to quit smoking/eat better/get more exercise.

Watching TV at night helps me relax.

I can never get a good night's sleep.

If you persistently have any of these thoughts, it effects how you feel in your mind and body. Your mind feels stress and anxiety and your body feels sluggish, and it's the same day after day. You will have to drag yourself into the shower, pull on a suit and push yourself out the door to get behind the wheel ready to fight traffic. You are barely out the door, and the day is already going downhill. For some people, the stress starts Sunday night in anticipation of the work week ahead. I know an attorney who alerts his family that after Labor Day he will be a different person because the summer is over and its time to get back to work so they can be prepared for his short temper and bad moods. No more Mr. Nice Guy. It comes true because he thinks it should and believes that it will, and his family complies based on their thoughts and beliefs. They are all on autopilot.

Those types of thoughts create feelings in your body that are blocking your abilities – our proven goal achieving abilities (remember – the Bar Exam?) You must take control and change your thoughts.

Understanding the Brain Science

In order to take a closer look at our thoughts, we need a cursory review of modern brain science research.

The past few decades and the past few years have seen amazing advancements in brain science research. See: Super Brain: Unleashing the Explosive Power of Your Mind to Maximize Health, Happiness, and Spiritual Well-Being, Dr. Rudy Tanzi and Dr. Depok Chopra (Random House, 2012)

Functional MRIs are used now to view the brain in real time and magnetoencephalograms can measure the brains magnetic energy. When I was a kid the prevailing thought and belief was that your brain developed until you were about 5 years old and not much after that. While there is massive grown in our early years, modern brain science has revealed that our brains continue to grow and regenerate neurons throughout our lives and into old age. It called "neurogenesis" and this research has major implications for traumatic brain injuries, age-related memory loss as well as our daily lives. See, Evidences of Adult Hippocampal Neurogenesis in Humans, The Journal of Neuroscience, Elena P. Moreno-Jiménez, Julia Terreros-Roncal, Miguel Flor-García, Alberto Rábano and María Llorens-Martín (March, 2021); Adult Neurogenesis, Queensland Brain Institute (March, 2018)

So right now, watching this on zoom and learning new information, you are growing brain cells. But I don't want anyone to miss out on neurogenesis so let's do some audience participation.

> Audience Participation - Just sit still in your chair and look forward. Now move your eyes back and forth from right to left about 12-15 times. By doing this you are growing new brain cells, but also you are growing cells that connect the right side and left side of your brain. The right side and left side of the brain have specific functions but when we do anything that crosses over the midline, we create connections between the two sides of the brain and increases your brain power. It's called brain cohesion.
>
> If you have your legs crossed, uncross them, and cross them to the other side. You just increased brain cohesion by that action because you crossed over the midline. So, the next time you are at a long deposition, cross your legs and you will know you at least grew new brain cells.

When we have a thought, we are triggering electric impulses from one neuron to another creating a chain that fires off until the end of the thought. That's called a neural pathway. The more you think about a specific thing, the stronger the firing mechanism becomes and the more ingrained the neural pathway becomes. Repetitious thoughts are like dominoes, you hit the first one and it goes until the last one drops. That's how you learned to tie your shoe, ride a bike or drive a car so now you don't even think about it. Its automatic.

Within the neural pathway, the thought is transferred for one neuron to another across the synapse by a neurotransmitter in a chemical reaction. The type of thought determines the type of neurotransmitter released. Simply put, bad thoughts release bad chemicals and good thoughts release good chemicals. So, a person who wakes up with happy thoughts will release "feel good chemicals" like dopamine, oxytocin, and endorphins. The person who wakes up with anxiety and stress will release bad chemicals like cortisol and adrenaline. The chemical will have a physical effect on how your body feels. If you stress out, you feel it in your body. You are sluggish and tired. But if you are happy, you're peppy and refreshed - some people might call that annoying. See, How to Hack Your Hormones for a Better Mood, Crystal Raypole,

Healthline.com (Sept 2019), and, Stress-induced cognitive dysfunction: hormone-neurotransmitter interactions in the prefrontal cortex, Rebecca M. Shansky and Jennifer Lipps, Frontiers in Human Neuroscience (April 2013) If these chemicals are released over and over again, they build up and they become our usual mental state and can be reflected in our mood and body.

Audience participation – Say these sentences

I am overwhelmed. I can't do this. I feel too tired.

I am inspired. I can do this. I feel energized.

Did you feel any difference ? Did your body posture change ?

A cognitive neuroscience study in 2020 from Queen's University in Ontario Canada found that we have 6200 thoughts or "thought worms" (or neural pathways) a day. Obviously, we cannot be aware of 6200 thoughts a day, so 90 % of our thoughts are subconscious and run like background programs in your computer. We do a lot of things without thinking about them because they have become routine in our mind and those neural pathways are ingrained in our brain. Like getting up, making coffee, letting the dog out, get dressed and drive to work. Of the thoughts that we have, 95 % are the same thoughts we had yesterday and 80 % are negative and they tend to linger. So, does that mean we are mostly negative? Yes.

Negative Bias

Our "negative bias" goes back to prehistoric days when we had to be on high alert for just about everything in order to stay alive. So, if a cave man was going out to breakfast at his favorite berry tree and he heard a rustle in the bushes, he may run back to his cave just in case it is a saber-tooth tiger, and he doesn't want to get eaten. Now he may never know if it is a sager-toothed tiger or a prehistoric squirrel. He instinctively looks for a bad outcome so he can avoid it and survive. There are no saber-toothed tigers anymore, and while our negative bias may still help us when to stop from driving across the train tracks without looking, we can be aware that negativity does not need to be our first response. See, The Negativity Bias: Why the Bad Stuff Sticks, Margaret Jaworski, Psycom.net (Feb, 2020)

While some amount of worry is useful and promotes problem solving, chronic worrying and ruminating is not. A Cornell University study revealed that 85% of what subjects worried about never happened, and of the 15% that did happen, 79% of subjects managed the difficulty better than expected or they learned from it. So, they're not all saber-tooth tigers. Most are just squirrels. The Worry Cure: Seven Steps to Stop Worry from Stopping You, Robert L. Leahy, PhD (New York: Three Rivers Press 2005); Most Things You Worry About Will Never Actually

Happen, Markham Heid, Elemental (Aug 2019) (Citing a Penn State University study that found that 91% of people's worries did not come true); see also, Robert Leahy Speaks on Cognitive Therapy, Lynn Mollick, New Jersey Association of Cognitive Behavioral Therapists, (Dec 2014); How to Stop Worrying So Much, Robert L. Leahy, PhD, Bottom Line, Inc (June 2013) (Five Action Steps to ward off worrisome thoughts and fears); Probing the depression-rumination cycle, Bridget Murray Law, American Psychological Association (Nov. 2005) (how to use distractions to break out of the rumination-depression link)

On another lever, most of our programing is learned in early childhood from other people around us. So, if someone was raised in a good environment with praise, encouragement and successes, that will be their subconscious programming. But if someone is raised with ridicule, discouragement, and failure, that becomes their subconscious programing. It is the repetition that creates the programing, and it is repetition that can change the programing when you change your persistent thoughts. See, Born anxious: Why some of us are wired to worry, Daniel P. Keating, Better by Today (April, 2017) (The importance of awareness of stress patterns and how changes in behavior can help); Biology of Belief, Bruce Lipton (Hay House, 2011)(An investigation of epigenetics); Breaking the Habit of Being Yourself, Joe Dispenza (Hay House 2013)(Research and progress on re-wiring the subconscious mind)

Neuroplasticity

Neuroplasticity is the brain's ability to reorganize itself by forming new neural connections throughout life. Neuroplasticity allows the neurons (nerve cells) in the brain to compensate for injury and disease and to adjust their activities in response to new situations or to changes in their environment. Neuroplasticity is also called brain plasticity or brain malleability.

Medical Definition of Neuroplasticity, Jay W. Marks, M.D. Medicinenet.com (June, 2021)

Basically, our brains are malleable and new neural pathways can be adapted for changes in thoughts or environment. You can literally change your mind by changing your focus or activities. Old neural pathways can be short circuited, and a new neural pathway can take form. Like removing the third domino from a line of dominoes stops the chain, you can stop a repetitive thought by interrupting the chain of neurons. For instance, if you get a new job and now you must take a right turn at the end of the block instead of a left to get there, your old neural pathway of your drive to work (auto pilot) will be pruned away and a new neural pathway will be created. Before long, the new route to work will become automatic and the old one will fade. If you get a new cell phone, you will learn how to use it over the weekend and when you find your old cell phone 6 months from now, you might have forgotten how to operate it. Just like adapting to a different drive to work or your new cell phone, by changing our thoughts and actions, we are rewiring our brain through neuroplasticity. This can result in

changing the things that go on in our lives. See, Smartphone Use Reveals Brain's Plasticity, Bahar Gholipour Live Science, (Dec 2014) (Change in brain activity noted when using touch screens compared to older cell phones, and thumb use more notable than other fingers)

Our awareness of change for a new route to work or a new cell phone is an obvious adjustment but awareness of change in our autopilot thoughts and actions that torpedo our productivity may be more subtle. Critical Thinking Skills Are Vital To Working In Law, Tim Segaller, LawyersMonthly.com (Dec. 2019) (Describes 2 types of critical thinking as either "autopilot" which is less productive or "intentional" which is more productive and how to switch from one to the other.)

The effort needed to change your thoughts is up to you. Some things will be easy – like adding a walk or exercise routine in your day. Some things may be harder. Insecurities about your abilities or how you look may be harder because they are rooted in your childhood memories and are the basis for our self-image. In our early years of life, our thoughts are not our own. We are told what to think by people around us like parents, siblings, teachers. We believe what we are told because we have no basis to question these ideas and then we adopt them as our own. But are we believing things that are not true? I know a man who didn't like cats and it was because that is what he was taught growing up. As an adult, he realized this was not his own belief and he got a cat, and he loves it.

I used to think I was clumsy based on 2 incidences of falling as a young child. In both cases, the adults around laughed and I felt very embarrassed. I got it in my head that "I am clumsy" and I have held on to bannisters and watched my footing since then and I have no recollection of falling again. When strong feelings are involved – like embarrassment, rejection, or ridicule - the memory imprints, your beliefs become embedded, and they are hard to shake. Many people suffer from social anxiety because of an embarrassing event in their childhood. But if these thoughts are re-evaluated as an adult, we may be able to see that our child-like understanding isn't reliable. Are we really the people that others told us we are ?

For an excellent analysis of self- Image, please read Psycho-Cybernetics by Maxwell Maltz. I have read it 3 times and on my third time reading it, I questioned, "I am actually clumsy?" After thinking about it, I no longer think I am clumsy. It was something I believed because of being embarrassed when falling as a child. Psycho-Cybernetics, Maxwell Maltz (TarcherPerigee, 1960)(a study in self-image by a plastic surgeon who observed that even if he provided a perfect nose job, someone with a self-image would still "feel" ugly)

Some things will be harder to change than others, but there are people who quit smoking cold turkey so it's up to each person how long it will take to change their mind about what they accept as part of their life.

So now let's take another look at each of these thoughts again and see how we can change the focus to create new thoughts.

I hate Mondays. – Aren't we supposed to hate Mondays ? Everybody else does. Monday has always had a bad rap. Songs like "I don't like Mondays," "Manic Monday," "Every other day of the week is fine but whenever Monday comes you can find me crying all of the time. Monday Monday. Can't trust that day." Maybe Monday feels bad because we are coming off the weekend where we slept late and lounged around. Maybe we watched football or took a drive in the woods. We were on our own time. Now its Monday and you HAVE TO get up early, we HAVE TO go to work, we HAVE TO be productive and its mostly for other people. But it has nothing to do with Monday. Those things happen every day of the work week. If you were getting up at 6 am Monday to take a flight to Italy, you would be jumping out of bed looking for the cab to the airport. Do we hate Mondays because it is the thing to do? With new prospective, we can like or even love Mondays. Start a Monday morning dance party in the living room. Listen to comedy. Read a short motivational passage or listen to a Monday motivation on YouTube (there are over 4 million of them from 30 seconds to 10 minutes long) Buy bagels for the office or flowers for your desk every Monday and you will see a change. Think of Monday as the start of a new week to get things done with new opportunities ahead. Monday is a time to see work colleagues again and finish that important project. If you change your thoughts on Mondays, the chemicals that are shooting off in your neural pathways will change thereby changing your feelings and your actions. Don't be surprised when others question you. Just say "I made a decision to like Mondays." How to Stop Hating Mondays Peaceful Soul. (date unknown)

I hate my job. – This may be a root cause of hating Mondays. If you hate your job its hard to like Mondays – or any day of the week for that matter. Ask yourself, "Do I actually hate my job ?" Is it something everybody says so you say it too ? If you went to law school, wasn't it the plan to be an attorney? Is it the work on your desk? Interaction with your co-workers or your boss? If that is it, you can cut down on interaction and that may actually lead to getting more work done which may lead to getting that work off your desk. This could result in a feeling of accomplishment and success. Maybe you could rewire your brain for the areas you don't like and change them into things you do like. In the end of a critical reexamination, if you really hate your job, look for and get another job. If you really hate what you do 8 hours a day, it's very hard to be productive and you have to change. Get rid of all excuses or obstacles to getting a new job and make the change. You will feel better instantly. There is no better feeling than the last day of a job you hate.

My boss doesn't like me. – Is this really true? Has he said it ? What did he do to make you think that? Are you misinterpreting feelings of inadequacy about yourself or your work as a dislike from your boss? After all, who would like an employee who is backed up on their desk? Have a talk with your boss about your work. Don't be afraid. He is just a human being. He may have ideas for you to do better. In the end, if he doesn't like you and you can't be productive

because of that, change jobs. Don't make excuses for staying somewhere that is causing a chemical and physical challenge to your self-esteem.

I am always late for work. – As long as you say, "I am always late for work" you will always be late for work. It's a self-fulfilling prophesy. Start saying, "I am always early for work." Once you start saying this over and over, you will disrupt the neural pathway in your brain and create a new one. Action will follow. Become aware of what is making you late and take action. Leave 15 or 20 minutes earlier. Get your clothes, briefcase or lunch ready the night before. Don't do minor tasks like clean the sink or take out the garbage before you leave. What is more important ? Being early is more important. I used to get to court just in time for 9:30 calendar call and it caused me stress. I applied this principal. I started saying "I am always early" and did the things I listed. Before long, I was getting in at 9:10 and my colleagues would jokingly say, "What are you doing here?" I laughed that they noticed. I didn't realize how obvious it was that I always cut it short. After a short time, I was always early, and no one commented anymore. My stress from "I am always late" was gone.

Traffic will be bad. – I said this everyday until I stopped saying it and started saying things like "Traffic won't be so bad" or "There won't be any traffic today." I travelled the Van Wyck Expressway - so notoriously bad that it even garnered a line in Seinfeld. Soon I noticed that even though there was a lot of traffic, there seemed to be a bubble around me, and cars kept their distance. Then, at times I would take the service road where traffic moved better and there were at least side roads that you could escape on. Then I found a side road that ran parallel to the Van Wyck right up to the back of the courthouse. When I took this road, I would see maybe 10 or 20 cars instead of the 100's I saw before. It took me the same amount of time to get to work but there was no traffic. It never would have happened if I kept saying "Traffic will be bad" and stuck with my old route. Also, always being early was a big help too. Did you ever notice that traffic is much worse when you are running late ? Is that really true? No, it's not. Traffic isn't personal. Traffic doesn't care. The red lights are not out to get you. Remember that.

I don't have time to get all this work done. – There is no such thing as "time management." There will always be 24 hours in the day and 7 days in the week. You can only do "activity management." Be realistic. Determine the amount of time you think an activity will take. Then multiply that by 3 and that is how much time it will actually take. (I got this from my first boss in a law firm. He called this "The Rule of 3.") Schedule THAT amount of time. Stay focused on the activity until you have put THAT time in. Do not multitask. If your goal is to get that activity done, stick to it until it is done.

That motion will take forever to finish. - If you use word and phrases like "This will take forever," it will. Give it the time it needs. If you work on that motion all day or all week to exclusion of other work, appreciate that you took the time necessary to do a great job. You gave it the time it needed.

If anyone finds out how far behind on my work, I'll get fired. – In all likelihood, everyone else is too worried about their own work and how far behind they are to be thinking about how far behind you may be. If you increase your productivity, this worry will take care of itself to some extent. (I heard one time as a solo practice attorney that if you are not behind on your work, you don't have enough clients.)

I can't ask for help or I will look incompetent. – Everyone needs help at one point or another. It does not mean you are incompetent. That may be just latent feelings of inadequacy. Your issue may be the same as someone else's and they need help too. You may be pointing out a deficiency in the system which may lead to improvement all around. It is worse to need help and NOT ask for it because you will just get buried deeper. Ask for support when needed and be supportive of others who need help. There is nothing wrong in asking for help. It doesn't make you a bad person.

I am always so tired at the end of the workday. – When you are completing an 8-hour workday you may feel drained, but you are changing your energy. You are finishing one phase (workday) and beginning the next phase (evening.) Appreciate the work that you did during the day and give yourself credit for that. Then do something that will pep up your energy for the evening, like stopping for ice cream on the way home, taking a walk with the dog or kids or taking a cool shower after changing out of work clothes. If you just plop on the couch and watch 3 hours of TV, you will reinforce the idea of being tired. At the very least, if you are tired, go to bed early. That will help more than another hour of TV.

I am too stressed out from work to enjoy dinner with my family. – If you had a stressful workday, leave it at the curb. Don't bring the stress into the house. Do a little dance or wiggle your body like a little fish to shake it off. (This wiggle like a fish is actually a chi gong practice. It works and its fun) I guarantee the stress will be right where you left it if you want to pick it up again. If you just can't leave it outside, take a quick shower and let it wash down the drain. If you must talk about it, be quick and concise. Don't drag it out or drone on. Get it out like rotten meat and change to more relaxed energy so you can enjoy the evening.

Watching TV at night helps me relax. – If you are watching something lighthearted or a comedy, enjoy it. Laughing will increase oxygen intake and may help you sleep. If you are watching police drama, medical drama or miscellaneous drama, stop. Don't you have enough drama in your life ? It may seem exciting or nail biting, but it is raising your stress levels. Never watch the news before going to bed. It's all bad but the negative bias draws us to these shows. TV programmers know about negative bias and play into it. Don't get roped in. Instead, read a book, listen to a guided meditation or go to bed early. Is watching TV actually a good way to relax?, Corinne Iozzio, Popular Science, (Jan, 2021)

I can never get a good night's sleep. – Saying this daily will likely guarantee that it will happen by creating a neural pathway in your subconscious mind to keep you awake. Change it to, "I am looking forward to a good night's sleep." It may not happen right away because it may

take time for neuroplasticity to create a new thought chain in your brain but keep saying it and take action. Start a wind down routine. Shut off TV, phone or computer an hour before you go to bed, and don't sleep with the TV on. Is Sleeping with Your TV on a Bad Idea?, Deborah Weatherspoon PhD Healthline (May 2021)

These thoughts and their resolution depend upon your self-talk – that chatter that goes on inside your head all day long. If these are your persistent thoughts, you can change them based on your awareness of neuroplasticity by interrupting them as soon as they start, changing your self-talk and replacing your thoughts with another, more productive, thought. We have the ability to choose our thoughts (like our man in the story who chose to think he should give up reading rather than sugar) and our thoughts will be the base of our actions. Slow down and take a few seconds to remember what you can do. You have the ability to change your defeated thoughts of inadequacy to more positive thoughts focusing on productivity. I can give you links on ways to be more productive – like making lists, turning off you phone, blocking time – but if you don't THINK you will be productive, it will still be an uphill battle. By changing your self-talk, you can literally change your mind. Remember who you are – a successful, goal attaining attorney. Change your "can'ts" and Don'ts" to "Can" and "Do." How to shift into productive thinking, Human Performance Resources by Champ, hprc-online.org (Aug, 2020)

> Audience Participation – Think of a lemon. See the yellow color and texture of the rind. Think of cutting a slice and biting into it. Is your mouth watering ?
>
> Think of a rose. A beautiful long-stemmed rose or the rose bush in your garden. Can you smell it ?
>
> Think of holding a softball in your hand. Now a tennis ball. Its fuzzy. Now a golf ball. Did you feel the different in those things?
>
> Without anything actually in front of you, your thoughts were so powerful that you were able to sense the taste, smell and feel of those things. That's how powerful your thoughts are.

It is essential that you expand your awareness of the nature of the subconscious mind. Your subconscious mind does not have an opinion or make any judgement on your persistent thoughts. It's on autopilot. It is just like a computer that will not question the programing you put in. If you repeatedly say, "I am always late" or "I will never get to sleep," your subconscious mind can only follow that command. It won't correct it. It can't. Have you ever accidently saved an incorrectly spelled word in you spell check? The program won't correct it. It can't until you change the program. You can change the programing in your subconscious mind by using

intentional thinking and taking action to achieve desired outcomes. Use self-talk to focus on what you really want and avoid self-talk about things that you don't really want. When we always talk about what we don't want, what we don't have and how bad things are, we are programing our subconscious mind and the subconscious mind can't change the program. Only you can change the program with deliberate purposeful thinking. Be aware of this. Subconscious Mind Power & How To Use It, Tania Katsos, Mind Your Reality, (Jun, 2020).

2. **How The Right Choice Of Words Can Win Your Case**

Language is the tool of our trade. We use words to be persuasive so that we can best represent our clients. I love words. I have always considered myself a wordsmith.

So, Prosecutors will try for "perpetrator" rather than "defendant." Negligence attorneys will spar over "incident" and "accident," and we all want "alleged." No matter how much you prep a plaintiff who testified at deposition that he still suffers "miserable" pain, once he gets on the stand and testifies his pain makes him "uncomfortable," there goes the value of your case.

What about the value of the case for YOU? What words should you be using to win the case for you ?

Everyday Words That Can Change How You Think

Good v. Great – When we ask the polite question "How are you ?" the routine answer is "I'm good." But why not be "great?" I'm great all the time. There is no difference in the amount of time it takes to say good versus great.

> Audience participation – I want you to say, "I'm good." Now say "I'm great." It takes the exact same effort and look what happens when you say "great." Saying great makes you smile. If you're just good, how are you ever going to be great ? Just be great now. Don't wait. You 'll never get to great if you stop at good.
>
> When you wake up tomorrow say, "Something GREAT is going to happen today!" It will.

Grateful and Gratitude - The other great part about "great" is that it leads to one of my favorite words, "grateful." A grateful mind cannot be sad. You cannot think about things you are grateful for and feel bad. We don't need to wait for Thanksgiving to be grateful – be grateful every day. I like to think of the word "Gratitude" as a conjunction of "grateful attitude." If you have a grateful attitude as soon as you wake up, your day will start off better and if you hit challenges in the day, start thinking about the great things in your life and get back your grateful attitude. As you go to bed, think of 3 things you were grateful for in that day and drift off to sleep in gratitude.

Thank you and You're Welcome – We say these words every day multiple times but often without really thinking about what we are doing. When you say "thank you" it is in response to receiving something like a gift or someone holding a door open. The words "thank you" start a flow of receiving good things and the more you say thank you, the more you will receive good things. Be aware of this. When you say "thank you" it resonates and magnetizes good things. So, get in the habit of saying "thank you" with the feeling of receiving something good. Open that channel. The response to "thank you" is "You're Welcome." Think of all the places you are

welcome. Is it with friends, family, your favorite restaurant ? Sometimes you wanna go where everybody knows you name. That is where you're welcome. You get that warm feeling inside that people are genuinely happy to have your company. Be aware of how nice it is to feel welcome and remember that feeling the next time someone says, "you're welcome."

Respond v. React – There is a very important difference between responding and reacting. Reacting is fast, not giving much thought to your actions – like when someone cuts you off in traffic and you slam on your horn, yell or salute. When you respond, you take a pause, you think about the circumstances and make a conscious decision of what your next action should be. There is no yelling in a response. You stay in control, cool calm and collected. Reactions are usually something we regret and can't take back. Responses end with a better result and only take a few seconds more. The next time you get challenged, stop and ask yourself, "Am I about to react or respond?" Awareness of this difference will change your outcome.

Legal Terms That Can be Reconsidered To Improve Awareness

As attorneys, we use terms of art in the profession, but what if we took some of those terms and used them in our daily lives.

Foundation - Defined as the basis for admitting testimony or documents into evidence, we know a foundation is vital for the case. An attorney must lay a foundation in order to admit an expert witness' testimony or get company's business records into evidence. Laying a foundation establishes the qualifications of a witness or the authenticity of evidence. If you don't lay a proper foundation, you could lose the case, but with a little tweaking, you can usually get it in. Also, when the new case comes in, you must get all the groundwork at intake. You may even have a checklist to make sure you ask your client about prior injuries or lawsuits. You don't want to miss anything at the start of the case, or it could come back to haunt you later. A cracked foundation in a building will end in a major lawsuit for damages as the structural defects reveal themselves with time.

That's the foundation for our legal case. What about foundation for our lives? We laid the foundations for law school and the bar exam to get here, but don't we lay foundations every day ?

From the moment you wake up you are laying a foundation for your day. Are you dreading getting out of bed and hitting the snooze too many times ? Are you grabbing your cell phone to check e mails or look at the news or Facebook ? Are you getting angry and stressed out already and you're not even out of bed yet ? Is THAT a good foundation to build you day on ? Are you going to win your case for the day with that ? You already have a cracked foundation. Be aware that the foundation you lay for the day will influence your entire day. Don't beat yourself up for lying in bed for an extra 15 or 20 minutes but do put on a morning meditation, soothing music

or ocean sounds while you are waiting for the next snooze button. It takes the same amount of time and works great if you are in the habit of grabbing your phone as soon as you wake up. Do you ever "get up on the wrong side of the bed?" That implies that there is a RIGHT side of the bed. You can choose on which side you will build your foundation for the day. Be aware of which side you are getting up on and ask yourself, "Is this who I want to be today?"

Cross examination – On trial, we cross examine witnesses to challenge them to either get to the truth or to pick holes in their story. We use things from the past like asking a plaintiff if she had the same injuries in a prior fall or asking a doctor if he routinely testifies for defendants. We are challenging their credibility and trying to expose contradictions. In a good cross exam, the witness doesn't even realize he is about to contradict himself.

We should be cross examining ourselves in the same way. Are there contradictions in our lives ? Do you say "I am going to finish this motion today" but then get involved in something else on your desk ? Do you say, "I'm going to start walking after dinner" but then sit in front of the TV ? "I want to write a book/run a marathon/travel to Italy." Have you done anything to make that happen ? Taken any action ? Become aware of contradictions in your life and address them. Cross examine yourself. Ask "Why?" or "Why not?" until you get to the bottom of it. You may be surprised when you realize that some of your excuses lack credibility.

Affirmation – We use affirmations to support our case. An affirmation is a solemn and formal declaration that a statement is true. When drafting the affirmation, we can carefully craft the language to support our argument. You won't see "I ran the red light," in an affirmation.

While we put time and thought into the affirmation in our case, we don't put that same effort into our own daily talk. All the statements that you make which you believe to be true are affirmations. It doesn't matter if they are "positive" affirmation. They are affirmations even if they are "negative" – like the list of thoughts we discussed above. All negative but if you believe your statement to be true, it's an affirmation. Be aware of what you are affirming throughout your day.

I used to say, "My desk is a mess. I have too much paper." My court appearance business churned out a lot of paper and I was buried. I started saying, "I have to get rid of this paper." I started carrying around a small laptop in court and printed fewer documents. As time went on the paper in my office got less and less until one day I looked around and I had hardly any paper. Without realizing it, I changed my desk by changing my affirmation. It wasn't overnight. It took a little time, but it happened. Now, I am fully aware that everything I say is an affirmation, and I consciously change the negative affirmations to positive ones.

Last Will and Testament – This is a document that lets everyone know your final wishes for people and property. But if this is the "last" will, there must be other wills before that. How are we using our "wills?"

We frequently say, "I will do that next," but then we don't do it. That can't happen in the last will and testament. If you "will" it, it must be done. So what happens to our everyday will ? When we know what to think and do, we must use our will to thing and do it. The "knowing-doing gap" is a well-studied occurrence where we procrastinate and don't do what we say we will. It is so frequent that we are usually unaware of it. This is a good place to use cross examination on yourself. The Knowing-Doing Gap, L. Michael Hall, Phd, Neuro-Semantics (Feb, 2010) (excellent article including examples of how we use self-talk to get into and out of this gap)

By expanding our use of these words, we can increase our awareness of just how powerful words are. Words – good or bad - lead to persistent thoughts, those thoughts lead to actions which create our lives. So, choose your words wisely.

3. How Doing Nothing Can Help You Clear Off Your Desk

Practically everyone has heard about meditation and the beneficial effects is has on our mind and body, but too few people practice meditation. Is it a lack of understanding, time, patience? All of the above? What is the benefit of sitting and doing nothing? Plenty. You cannot fail at meditation. It's a win-win. You just sit there, do nothing and you benefit.

When I say "meditation," most people think of that person sitting cross legged on the top of a mountain with their hands posed on their knees. One immediate reaction is, "I can't sit like that," and they are done with meditation. But that pose is only one type of meditation. You can have a regular meditation practice and never have to sit like that. The purpose of meditation is to reduce distractions, relax your mind to improve focus and concentration. It's a simple act but with lots of opposition.

Meditation technique and the opposition

Technique - Sit still. Opposition – "I can't sit still." We know this is not true. Anyone can sit still for 10-20 minutes. How do I know that? Because people sit still for 2 hours in a movie theater, and they did not move from the couch when Game of Thrones was on. We can sit still when we want to. Just the act of sitting still for meditation has a beneficial effect on your heart and body.

Technique – Go in a quiet place. Opposition – "I have no quiet place. My house is chaos." Quiet places do exist if you want them to. If you can't find one, you can meditate sitting in your car or in the shower.

Technique – Quiet Your Mind. Opposition – "I can't stop thinking." One of the biggest misconceptions of meditation is that you are not supposed to think while meditating. It is impossible to not think. Our brains have evolved to think but too often our thoughts fly through our brains like a runaway locomotive heading for the station. The idea of meditation is to control your thoughts instead of them controlling you. If you have a thought during meditation – IT'S OK ! Just let that thought go by with the understanding that you can go back to it later. Another thought will come in . . and another. . . and another. IT'S OK ! Just let them go out of your head and know you can return to them later. Even if you sat there for 20 minutes and thought for 20 minutes straight, IT'S OK ! Just getting through 20 minutes of frenzied thoughts can start your day better. Its like running a marathon in your head

The fact is there is no such thing as a bad meditation. The hard part is you just have to do it. Once you start sitting still in a quiet place and relaxing your mind, you may look forward to it as the best part of your day. If you take the time to meditate, you will make up the 20 minutes in your day by improved focus, concentration, and productivity. See, Why Meditation Works Wonders for Better Workplace Productivity, Pinky Daga, Entrepreneur (Sept, 2019);

This is not "woo-woo" stuff. There is medical based scientific research that shows that brain power improves by practicing meditation. It is life altering for your mind and body. Meditation

can repair the damage to your brain that stress causes and has recuperative effects on the body. Science Says Meditation Will Make You More Productive, Jari Roomer, Personal Growth Lab (Mar, 2019) citing Meditation experience is associated with increased cortical thickness, Sara W. Lazar, NCIB, US national library of medicine (Nov, 2005) (Detailed research showing that meditation results in long lasting brain activity in the prefrontal cortex and cortical plasticity the same area that is impaired by stress.)

Sometimes it is enough to just focus on their breathing during meditation. Stress Management: Breathing Exercises for Relaxation, Patrick Burgess, MD, University of Michigan Health (Aug 2020). Didn't it feel good to take 3 deep breaths at the start of this lesson? However, if that is difficult and you keep thinking, you can do a guided meditation where you listen to soft music, or someone speaks and helps focus your thoughts on a scene in nature. If you search YouTube for guided meditation, you will get 174,000 options. Pick one. Mantras are repeated words to focus concentration. Try "Thank you" or "I'm listening" as a mantra. I like "nothing."

So, why don't people do meditation. They think it is a waste of 20 minutes. There is something better they can do with that time, like answer some e mails, throw in laundry or put dinner on. However, brain science research has proven that meditation actually makes you more productive by increasing focus, concentration and the ability to resist distractions. If You're Too Busy to Meditate, Read This, Peter Bergman Harvard Business Review (Oct 2012)

Consider doing meditation with the whole family. Yes, kids too. Even if it's just 10 minutes in the morning and 10 minutes before dinner, it can be a fun inclusive activity that can become part of your daily ritual. Meditation for Kids: A Beginner's Guide. Kristine Jepsen, Parents, (Feb 2020) (giving a child tools to respond to stress as they develop)

Think about your cell phone for a minute. The battery runs down at some point in the day, and you plug it in to recharge. If you still use it while it is recharging it takes longer. If you put it aside for 30 minutes and let it just sit and be still in a quiet place, it will recharge faster and more fully. This is what meditation does for your brain and body. Why would you treat your cell phone better than you treat yourself?

You can do meditation for 5, 10, 20 or 30 minutes and you should try to do it twice a day. The first meditation should be as soon as you wake up because it is before you get distracted by the day and your brain is in Theta waves or dream state. The second meditation can be when you get home after work or even in your car when you arrive in your driveway. Some people also do meditation right before bedtime as it eases them into dreamland.

Audience participation – Let's do 6 OHMs for a short meditation

The peace you feel is inside you all the time. It has just been clouded by the activity of the daily life. As you practice meditation, you will find it easier and easier to get to that peaceful place so when someone cuts you off in traffic you will respond and not react.

4. Conclusion

Thoughts have power. Thoughts become things. We have control over what we think. When we have a thought, it will turn into something, and it doesn't matter if it is good or bad. It will materialize. We create habitual behavior with repetitive thinking and can change it the same way. By using your mental skills including self-talk, setting and attaining goals and being aware of your choice of routines and mind set, you can regulate your busy life to be more productive at work and at home. Adding a meditation practice enhances all these skills and provides physical benefits. But just like working out in the gym, it won't happen in one visit. It must be continuous and routine. Once you become fully aware of your power to create with your thoughts, you will pay attention to what you focus on so you can create the life you want. Your awareness of your own power of thought is the first vital step.

You don't have to live beyond a reasonable doubt.

Just get to 51% and the scales will tip in your favor.

If you want to discuss anything on this topic, please email me.

Confidentiality will be respected.

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