



CLE MANUSCRIPT

PUT INTO PRACTICE CLE:

Risk Management Tips for Your Firm

Fall 2024 and Winter 2025 Series



“Don’t Let the Jokers Drive You Batty!”

Chris Osborne
and
Michael Kahn

ReelTime





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Agenda — Don't Let the Jokers Drive You Batty!

What We Can Learn from Batman about Maintaining our Sanity
(and Ethics) in the Practice of Law

3.0 Hour Agenda (In Person Programs)

8:30 – 9:00 AM	Registration and Welcome
9:00 – 9:30 AM	“Why do they call him the Joker?” Knowing the Adversary: Crazymaking Clients, Colleagues, and Counsel
9:30 – 10:00 AM	“Know your limits, Master Wayne.” Knowing Yourself: The Role of Self-Awareness and Self-Care
10:00 – 10:15 AM	Break
10:15 – 10:45 AM	“Tonight, you’re going to break your one rule.” Knowing Your Weak Spots: Expectations, Goals, and Core Values
10:45 – 11:15 AM	“Perhaps this is a man you don’t fully understand.” Knowing Your Resources: The Value of Colleagues and Counsel
11:15 – 11:30 AM	Break
11:30 – 12:00 PM	“Backup.” Knowing When and How to Call in the Authorities: How to Tap into the Resources of your Local and State Bar
12:00 – 12:30 PM	Knowledge in Action: Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”
12:30 PM	Adjourn



AGENDA — DON'T LET THE JOKERS DRIVE YOU BATTY!

What We Can Learn from Batman about Maintaining our Sanity
(and Ethics) in the Practice of Law

3.0 Hour Agenda (Virtual Program)

11:45 – 12:00 PM	Registration and Welcome
12:00 – 12:30 PM	“Why do they call him the Joker?” Knowing the Adversary: Crazymaking Clients, Colleagues, and Counsel
12:30 – 1:00 PM	“Know your limits, Master Wayne.” Knowing Yourself: The Role of Self-Awareness and Self-Care
1:00 – 1:30 PM	“Tonight, you’re going to break your one rule.” Knowing Your Weak Spots: Expectations, Goals, and Core Values
1:30 – 2:00 PM	“Perhaps this is a man you don’t fully understand.” Knowing Your Resources: The Value of Colleagues and Counsel
2:00 – 2:30 PM	“Backup.” Knowing When and How to Call in the Authorities: How to Tap into the Resources of your Local and State Bar
2:30 – 3:00 PM	Knowledge in Action: Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”
3:00 PM	Adjourn



PRESENTERS

CHRIS OSBORN, J.D.

ReelTime Creative Learning Experiences is an international provider of dynamic, interactive workshops, conferences, law firm retreats, and professional development training programs, committed to using the most proven and effective methods of adult learning to help professionals work (and interact with one another) more productively and sustainably. Chris Osborn and Michael Kahn began providing their innovative CLE workshops on ethics, professional responsibility, DEI and mental health/substance abuse awareness in 2007. Since January 2010, their workshops have been enjoyed by thousands of participants in 25 U.S. States, as well as throughout Australia and Canada.



In August 2012, their program, “Practicing Dirt Law and Keeping Your Nose Clean”- Stress and Ethical Decision-Making for Real Estate Attorneys, received an Award of Outstanding Achievement in Programming from ACLEA, the Association for Continuing Legal Education Professionals.

In addition to his ongoing work with ReelTime CLE, Chris Osborn is the founding principal of The Law Office of D. Christopher Osborn, PLLC, which provides mediation, litigation, and collaborative law services in domestic, business, and real property disputes in Charlotte, NC. Chris has been certified by the N.C. Dispute Resolution Commission as a Superior Court mediator since 2009, and has assisted the vast majority of his legal clients over the years to reach amicable resolutions in a wide variety of litigation matters, including business breakups, construction and employment law disputes, and will caveat disputes.

From 2012-2015, Chris served as an Assistant Professor at the Charlotte School of Law, where he taught “Interviewing, Client Counseling, and Negotiations,” Civil Procedure, Contracts, “Problems in Practice: Commercial Transactions,” and “Intro to the Study of Law.” While on the faculty, Chris’ scholarly research focused on ethics and professional responsibility, and particularly the interrelationship of both with mental health and substance abuse issues.

Upon graduating from the University of Virginia School of Law in 1995, Chris began practicing litigation in Charlotte. He served as a career law clerk to former U.S. Magistrate Judge Carl Horn III before joining Horack Talley Pharr & Lowndes, PA, in 2001. During his 11 years as an associate and a shareholder with the firm, Chris handled construction and real estate litigation, business litigation, and employment disputes in Superior and District Courts, as well as in all three North Carolina federal district courts.



PRESENTERS



MICHAEL KAHN, M.ED. COUNSELING, J.D.

Michael Kahn holds a J.D. from the Dickinson School of Law, and practiced law with the Attorney General's Office for the State of New Jersey for 6 years. Although he left the practice of law in 1991, his work thereafter has kept him involved in the lives of lawyers in various capacities. Following a stint as Assistant Director of Career Services with the Tulane University School of Law, Michael obtained his M. Ed. in Counseling from UNC-Greensboro in 1994, and shortly thereafter became a Licensed Professional Counselor in the State of North Carolina.

Michael's areas of focus in his psychotherapy practice have included anxiety, depression, grief/loss, work/life integration, and men's issues, and he has worked with adolescents and adults in individual and group therapy settings. In 2012, he relocated to Oregon, where in addition to continuing his speaking career, he served as an Adjunct Professor at the Lewis & Clark Graduate School of Education & Counseling and co-facilitated grief groups for lawyers.

Michael currently resides in Vancouver, BC, where he serves part-time on the counseling staff of the Lawyers Assistance Program of British Columbia. He continues to present training seminars and workshops on ethics, grief, wellness, DEI, and other topics for lawyers and mental health professionals throughout the U.S. He has presented programs in Japan and Germany, including for the U.S. military



“Don’t Let the Jokers Drive You Batty!”

What We Can Learn from Batman about Maintaining our Sanity (and Ethics) in the Practice of Law

A **Joker**, for the purpose of this discussion, is a person with whom one must have fairly regular, frequent, or sustained communications or interactions, and who in the course of those dealings “gets under [one’s]skin” or “drives [one] crazy” by the ways that he or she speaks or acts. Interactions with Jokers are often confusing, emotionally draining, or downright maddening. A **Joker** in the legal realm might take the form of any of the following:

- an ***opposing counsel*** who is exceedingly difficult to communicate with, frequently acts unprofessionally or unethically, or engages in personal attacks or other questionable legal tactics or procedural maneuvers seemingly aimed to frustrate rather than advocate;
- a ***client*** who demands one’s attention and time to an excessive degree, or is unreasonable and unprofessional in his or her expectations of the results a lawyer can deliver;
- a ***colleague*** who berates one’s performance with personal attacks and criticism for undefined or poorly defined expectations, and remains unreceptive to feedback or correction; or
- a ***judge*** who is unjustly inconsiderate, disrespectful, or belittling of counsel, and appears to have formed conclusions about a client’s legal position or counsel’s arguments without having given meaningful consideration to either.

Identifying and dealing with Jokers is important, for three reasons:

1. Jokers may cause one to spend inordinate amounts of time thinking about or working on one particular file or matter, often to the neglect of other legitimate cases, clients, or professional responsibilities
2. The constant stress of Joker interactions can adversely affect one’s physical and mental health, sense of well-being, and interpersonal relationships
3. Joker interactions may throw one “off balance” strategically, professionally, or ethically, and provide ripe conditions for reacting with unethical or uncivil behavior.

**IN SHORT, JOKERS LOVE TO REPLICATE THEMSELVES, AND ARE MORE THAN HAPPY TO DRAW GOOD LAWYERS
OVER TO THEIR WAY OF LIFE AND LAWYERING!**



So, then, **what can we do** to keep the **Jokers** from driving us “batty” (i.e. causing us to get unsettled, distracted, or less able to uphold our standards of civility, professionalism, and ethics)?

- **Identify your Jokers & pay attention to how they make you feel, think, or react.** Batman came to recognize that the Joker was not the typical Gotham City criminal—he had no rules and couldn’t be counted on to act rationally or fight fair. And dealing with the Joker typically left Batman deranged and unprincipled himself. Consider the following questions to help you identify those people in your practice who go beyond merely being “difficult,” to driving you off the rails:
 - Whose name—whether judge, client, or counsel—do I dread seeing anywhere near mine on the court calendar?
 - Which files have required excessive amounts of time and energy for relatively insignificant or inconsequential tasks? Is there any pattern to them?
 - What kinds of cases or people do I discuss most with friends, family, or colleagues?
 - Whose correspondence do I either loathe to receive, or, on the other hand, immediately and gleefully begin crafting a response (to the neglect of other matters)?
 - What is it about this Joker that is maddening, frustrating, annoying, or difficult?
 - What are the warning signs that I am feeling hatred, anxiety, or fear from dealing with a Joker? When might I be “stressing and obsessing”?
- **Maintain a healthy perspective and set realistic expectations.** Batman had to adjust his goals—he could at best hope to contain the Joker’s chaos and try to limit the impact of his destructive behavior. Similarly, what we expect, or demand, or desire, from life, or our careers, has a big impact on how we act and who we become when dealing with our own Jokers. Take time to reflect on the following questions:
 - What is most important to me? What am I living for? Why do I get up every morning and do what I do?
 - What overall need/desire is really informing, or even driving, my everyday choices? Is it money, status, comfort, approval in relationships, power, or something else?
 - What are my real core values? Does interacting with this Joker affect or threaten them; if so, how? More importantly, must it do so? What is at stake for me here?
 - What can I do in the midst of a Joker encounter to remember my core values, or my own source of hope & strength? Some folks bring or locate in the room an object to fix their eyes on, as a symbol of what they value, to keep them grounded in reality.
- **Know your own weaknesses, set your own limits, and care for yourself well.** Even Batman slept for two days after a nocturnal battle with the forces of crime & evil. And he knew when to pull himself out of the fray. It is no less important for us to care for ourselves well in the midst of the everyday stress and strain of law practice, but especially so when we have to face our Jokers. Here are some ideas to consider:
 - What do I do with stress and anxiety when I know they are affecting me? Be aware of other outside factors affecting your stress level—family strife, job demands, exhaustion, and poor self-care limit your ability to respond well to Jokers.



- How much interaction with this Joker must/can/should I have, and how often? Is there any portion of this task or case that I can delegate or refer elsewhere?
- Identify and do whatever helps you feel peace, maintain perspective, and persevere toward your goal—*before, during (if possible), and especially after a Joker encounter*. Rest, debriefing, meditation, and exercise are a just few suggested ways of “detoxing” from Joker encounters. Find out what works for you.
- **Plan and prepare to meet the Joker.** Batman realized he could not predict or control the Joker’s behavior—he could only strive harder to maintain control of himself. This became more and more difficult, the more that he let the Joker set the terms of engagement and alter the field of play. But Batman had the luxury of operating as a vigilante. We lawyers, on the other hand, do have to play by the rules—a whole code of them. Think about what you can do, in your practice, to keep your head, when the Jokers would have you lose it, and consider the following suggestions:
 - Set realistic expectations about what a Joker encounter will be like and think ahead of time about how you want to act during it and feel afterwards.
 - Outline the objectives of a particular communication, argument, hearing, or other interaction, and choose well the means and methods (i.e., email, phone call, letter, etc.) by which you choose to interact or communicate. Then stick to your plan, and the rules of professional conduct, evidence, and civil procedure that apply.
 - Don’t provoke a Joker’s wrath unnecessarily. Jokers love to make cases get personal; *don’t* take the bait. Keep all communications professional, succinct, and to the point. Don’t give a Joker the satisfaction of drawing you into a verbal or procedural battle you are unlikely to win without losing your mind or your principles.
 - Maintain a healthy sense of detachment from your cases and clients. Avoid using pronouns that identify lawyer and client too closely. Instead, wherever possible, refer to the interests or requests or position of your client (whether by name or by party designation), instead of saying “we demand that *you*...” or “*your* argument is without merit.”
- **Don’t try to fly solo.** Isolation helps the Joker wreak his havoc. Batman depended on a few close friends for support, encouragement, and tangible assistance, including Alfred, Mr. Fox, and Lt. Gordon. No matter how great a lawyer you may be, you have far fewer superpowers and technological gadgetry at your disposal than Batman did, so there is no need for you to be a lone wolf, either.
 - Involve a colleague in the case. Talking through what is going on with this Joker can help you clarify what you are experiencing as it happens. A “wingman” can also help you identify the most important issues in the case, maintain perspective, and form a coherent and properly targeted plan for the rest of the case and the Joker interactions that may come with it going forward.
 - If you are in a small firm or solo practice, or your only colleague is your Joker, then you will of course need to form connections with other similarly situated practitioners.
 - It may be helpful to debrief Joker encounters with someone outside the legal world as well. A friend, spouse, mentor, spiritual advisor, or counselor may see relational dynamics at work that we lawyers assume are just to be expected, but in fact may be part of the problem. Find someone you trust and ask him or her for feedback on your own conduct or behavior. What did you do, if anything, that might have made things worse? What could you have done differently? What did you do well?



- In cases where the Joker’s conduct is a clear violation of ethical rules, or is posing an actual ethical dilemma for you, bring the matter before the appropriate body, or the presiding judge in a pending case. (But, see below...)
- **Make a wise choice about when and how to file a formal complaint or grievance.** The more egregious the behavior a Joker exhibits, the greater the urge to bring disciplinary proceedings against him. And sometimes, you may be just the right person, with the right facts, at the right time, to involve authorities that might be able to address the Joker’s underlying issues and get him or her some real help. But be very careful, as complicating the Joker encounter with an added layer of proceedings may only prolong the madness for you. Consider the following when choosing whether a Joker’s antics have crossed enough of a line or have demonstrated enough of a regular pattern of harm to warrant a complaint.
 - Check your motives. Revenge may seem noble and satisfying in the movies, but it doesn’t usually play out very well in the real world. If you hear yourself saying (or thinking) anything like “I’ll show him!” or “I can’t wait to see that #%*&@* get what’s coming to her,” that is probably not the best mindset for another battle. In this frame of mind, the Joker has you right where he wants you—playing his game, and likely to lose your mind as well as the battle.
 - Identify clearly the ethical violation or pattern of behavior and the rules or principles violated, and then objectively evaluate the quality of the evidence you can realistically provide to the reviewing authorities. Jokers are often good manipulators of the facts (as you likely have already experienced) and thus anything less than a clear, solid case built on objective, reliable, admissible evidence will likely result in more frustration than vindication.
 - Count the cost, and make sure the price is worth paying. Undoubtedly, you will not only spend further time and money (maybe your own, maybe your client’s) in an effort to bring a Joker to justice, but you will also experience further stress and psychological strain by the prolonged engagement. You will therefore need to be crystal clear about what *practical result* you hope to achieve by a further procedural entanglement. Evaluate the forms of relief available from the Bar or judge to whom you would make your complaint, and then make sure that the result that could be obtained (i.e., the remedies available or the future harm that could be prevented) is worth the toll on your soul.
 - “If you’re going to do it, do it right.” If this is a scenario that calls for a grievance, invest the time and effort necessary to pick the most appropriate tribunal and to present as airtight a case as possible.
- **Humility helps!** Batman ultimately had to sacrifice his reputation for the greater good. He was willing to become much less of a hero than he had been in the public eye, in order to serve the people. And perhaps the saddest part was that the people of Gotham would likely never know all that he had done on their behalf. When a client is upset about losing his or her case and questioning why the other side appears to be getting away with its excesses and violations of the rules, the pressure to win or “just do something” can get strong. Holding the line against a Joker may require a lawyer to be willing to be misunderstood or misperceived as “not tough enough” or “just not as clever,” and thus may be costly in the short term. Here are a few helpful humility signposts to keep you on the better path:



- As important as it is to identify your Joker, be careful about demonizing the person completely. Look for things about the person that you can respect, identify with, or at least see as human. Honor these traits when you can, directly or to others. And try not to say things that might make the Joker feel “less than,” or that suggest that you consider yourself superior; these kinds of comments only add fuel to the Joker’s fire.
- Debriefing and seeking support from colleagues is one thing—trashing a person’s reputation publicly by repeating a matter with malice and derision is quite another.
- And finally, before you get on too high a horse about the Jokers that you have to deal with, remember—***you just might be the Joker that someone else is thinking of!***



“Don’t Let the Jokers Drive You Batty!”

What We Can Learn from Batman about Maintaining our Sanity (and Ethics) in the Practice of Law

WHEN AND HOW TO REPORT OR SEEK REDRESS FOR GROSSLY UNETHICAL BEHAVIOR

- ❑ Identify a **specific ethical breach** of the applicable Rules of Professional Conduct, or a noticeable **pattern** of unprofessional or unethical behavior.
- ❑ **“Check yourself before you wreck yourself”**: Check your motives, first and foremost. Clarify the end result desired (i.e., who will benefit, and how?), and make sure it is attainable and ultimately worthwhile.
- ❑ **Count the cost**: Is the result attainable worth the effort and continued involvement required? Factor in the cost of your time, especially if it will not be compensated, as well as the stress of continued involvement.
- ❑ **Deliver the goods**: Follow through thoroughly. In most cases, the Joker will launch a vigorous defense, or even a counterattack, and thus it is crucial to cover all the bases in documenting and presenting a grievance.



“Don’t Let the Jokers Drive You Batty!”



November 6, 2024

**What We Can Learn from Batman About Maintaining
Our Sanity (and Ethics) in the Practice of Law**



**Michael Kahn, JD, LPC
Chris Osborn, Esq.**



A Different Kind of Deposition



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CREATIVE LEARNING EXPERIENCES

“Texas-Style” Deposition

- 1. Did you spot any unprofessional conduct? By whom?**
- 2. Who started it? (And does it matter?)**
- 3. Was this “Plan A” for anybody involved?**



ReelTime
CREATIVE LEARNING EXPERIENCES

“[T]he adversarial, intimidating, and high stakes realm of law practice...can set in motion scenarios that lead to perceptions of threat, urgency, and consequence that provoke unhelpful, counter productive, and reactive words and deeds...it often results in the incivility and lack of professionalism that fuels the growing sentiment among legal professionals about the inhospitable environment in which they work and elevates the risk for ethical lapses.”

Rogers, S. & Jacobowitz, J. *Mindful ethics and the cultivation of concentration* (Nevada Law Journal, Spring 2015, Vol. 15:730)



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ReelTime
CREATIVE LEARNING EXPERIENCES

A Different Kind of CLE

Today's Focus: How can tangling with “difficult people affect our own ethical decision-making?”

▪ **Film Clips** -- as the **catalyst for a discussion**



▪ What can we do to protect ourselves from “**going batty**”?





Knowing the Adversary

Crazymaking Clients, Colleagues, and Counsel

Scene 1:

“So why do they call him the Joker?”

“Why do they call him the Joker?”





How is the way The Joker operates different from your ordinary Gotham City criminal?



Who are some “Jokers” you have encountered in the practice of law?

How is dealing with them noticeably different from dealing with a typical person in a similar role?



ReelTime
CREATIVE LEARNING EXPERIENCES

Who is Your “Joker”?

- Opposing Counsel, Client, Judge, Another lawyer (colleague, senior partner etc.).
- Doesn't have to be “larger than life.”
- May only be a Joker for you, but not others.
- Only men are Jokers, right?



ReelTime
CREATIVE LEARNING EXPERIENCES

Who is Your “Joker”?

- Whose name do I dread seeing anywhere near mine on the court calendar?
- What files have required excessive amounts of time and energy for a relatively insignificant task? Is there any pattern to them?
- What kinds of cases or people do I discuss most with friends, family or colleagues? Are there common themes?



ReelTime
CREATIVE LEARNING EXPERIENCES

Who is Your “Joker”?

- Whose correspondence are you loathe to receive—or, on the other hand, whose provokes you to immediately and gleefully craft a response (to the neglect of other matters)?
- What is it about this Joker that is maddening, frustrating, annoying, or difficult?
- Does the Joker remind you of anyone?
- What are the “warning signs” that your body gives you that indicate you are dealing with a Joker?



ReelTime
CREATIVE LEARNING EXPERIENCES

Knowing Yourself: The Role of Self-Awareness and Self-Care

Scene 2:
“Know Your Limits, Master Wayne.”



“How long was I out?”



Knowing Yourself:

The Role of Self-Awareness and Self-Care

How does fighting crime affect Bruce/Batman?

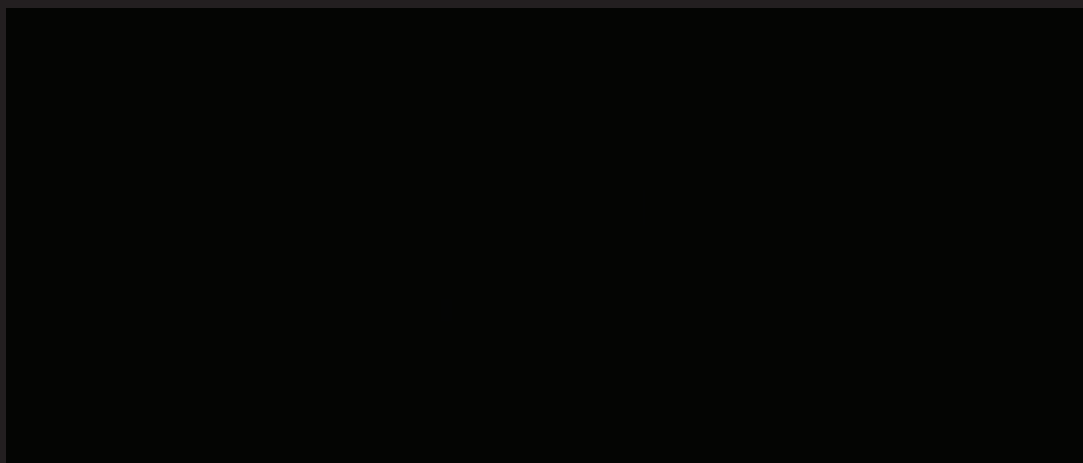
What does it take out of him?



How can you tell?



“Know your limits, Master Wayne...”



ReelTime
CREATIVE LEARNING EXPERIENCES

Knowing Yourself:

The Role of Self-Awareness and Self-Care

- 1. What changes do you see Batman either making, or undergoing, in each of these scenes?**
- 2. What do you think of his attitude in the second scene?**
- 3. How can you tell when the practice of law, in general, is taking a toll on you, or causing you excessive stress? What are the warning signs? What are the common effects that you or others around you notice?**
- 4. What are the effects of dealing with difficult people? Are there times you realized that doing so might be impacting your physical or mental health?**





ReelTime
CREATIVE LEARNING EXPERIENCES

Put Your Oxygen Mask on First

- Do whatever helps you feel peace and maintain perspective **before**, **during**, and **after** a Joker encounter.
 - Exercise, meditation, music, journal, prayer, sleep, nutrition
 - Be aware of **other factors affecting your stress level**-- family strife, job demands, exhaustion, and poor self-care.
 - Can I **delegate or refer** elsewhere?



ReelTime
CREATIVE LEARNING EXPERIENCES

What can you do to “keep your head”?

- **Envision how you want to be during the interaction.**
 - Remind yourself of your objectives.
- **Notice and name** when you are getting agitated, anxious, unsettled etc.
 - Know your triggers.
 - Breathe to stay focused and remain calm.
- **Use self-talk** to avoid choosing your normal or habitual response. Write it down.



ReelTime
CREATIVE LEARNING EXPERIENCES

What can you do to “keep your head”?

- **Choose a new way to respond** (i.e. focus on your breath or a touchstone to remain calm).
 - Identify what has worked in similar past interactions with this or a different Joker.
- **Respectfully be direct and make specific requests.**
- **Ghandi: “Passive Resistance” can be an option. Decline the invitation.**



ReelTime
CREATIVE LEARNING EXPERIENCES

“Mindfulness,” Demystified

- **Awareness of your thoughts, emotions, and sensations as they arise in the present moment.**
- **Non-judgmental.**
- **“Noticing” the feeling helps you detach the stressful event from your habitual response.**





ReelTime
CREATIVE LEARNING EXPERIENCES

What can you do to “keep your head”?

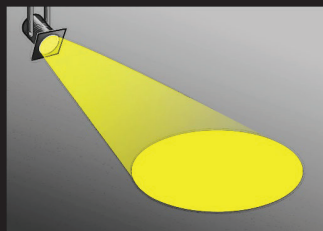
“Mindfulness invites us to shine a spotlight of awareness on the ways we respond to events taking place in our life, moment to moment. Doing so, we gain insight over both the effect of these events on us and the ways they compel us to take action (or refrain from doing so)...”



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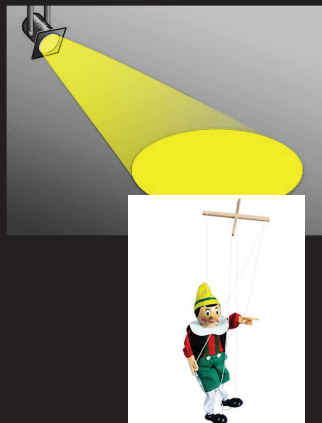




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CREATIVE LEARNING EXPERIENCES

What can you do to “keep your head”?

“As a result, we develop greater mastery over our decision making. Importantly, we see more clearly into the proximate causation underlying our actions. This can be especially important when we find ourselves in challenging situations.”





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ReelTime
CREATIVE LEARNING EXPERIENCES

Suggestions from Other Lawyers:

- Ask about family.
- Pick something in the room to remind you to stay grounded.
- Bend over to “tie your shoe.”
- Imagine moving sideways to avoid impact of the Joker’s words and behavior.



ReelTime
CREATIVE LEARNING EXPERIENCES

Knowing Your Weak Spots:

Expectations, Goals, and Core Values

Scene 3: “Tonight, you’re going to have to break that rule...”



“Tonight, you’re going to have to break that rule...”



ReelTime
CREATIVE LEARNING EXPERIENCES

Knowing Your Weak Spots:
Expectations, Goals, and Core Values

1. By the end of this scene, Batman has completely lost control--of his emotions, of the interrogation, and of the situation. Where does Batman **begin** to go wrong in his interrogation of the Joker?
2. The Joker obviously enjoys getting a rise out of Batman. What “hot buttons” does the Joker push?
3. What ultimately sends Batman over the edge?
4. What does this scene reveal about what things are **most important to Batman/Bruce**? (What is his “one rule”?) What does he do when his “core values” are in conflict with one another?





Knowing *Your* Weak Spots: Expectations, Goals, and Core Values

1. What are your triggers or “hot buttons”?
2. (Hint: Think about your core values. What are you typically aiming for out of the practice of law? Or life?)
3. How do you keep the Joker from getting under your skin?

A helpful tale.... (Part 1)



Knowing Your Resources: The Value of Colleagues and Counsel

Scene 4: “Perhaps this is a man *you* don’t fully understand...”



**“Perhaps this is a man you don’t
fully understand.”**

**“That bandit, in the forest,
did you get him?”**



ReelTime
CREATIVE LEARNING EXPERIENCES

Knowing Your Resources: The Value of Colleagues and Counsel

1. How are Batman's spirits now, as depicted in the second scene? Have you had any somewhat similar professional losses or failures that cause you to be able to relate to his sense of failure, or futility?
2. How does Alfred talk to Bruce/Batman in these scenes? What do you notice about his demeanor, tone or words he speaks? How does Batman/Bruce respond?
3. What is Alfred's role in Bruce/Batman's efforts? What value does he bring to the team?
4. Think of a time when you reached out for guidance when confronted by a Joker. What were the benefits of consulting with a colleague, mentor, friend, or significant other?



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Avoid flying solo

- **Involve a colleague in the case. Gives you perspective and helps you plan.**
- The value of “getting it off your chest” shouldn't be discounted.
- If you are in a small firm or solo practice, or your only colleague is your Joker, **form connections with other practitioners, perhaps through involvement in a Bar committee or practice section.**



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Avoid flying solo

Consider debriefing a Joker encounter with a non-lawyer as well. A friend, spouse, mentor, spiritual advisor, or counselor may see relational dynamics at work that we don't see.

- What did you do, if anything, that might have made things worse?
- What could you have done differently?
- What did you do well?



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Knowing When and How to Call in the Authorities

How to Tap into Available Resources

Scene 5: "Backup"



“Backup”



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WHEN AND HOW TO SEEK REDRESS FOR GROSSLY UNETHICAL BEHAVIOR

- ☐ **Identify a specific ethical breach of the Rules of Professional Conduct, or a noticeable pattern of unprofessional or unethical behavior.**
- ☐ **“Check yourself before you wreck yourself” Motive matters!**
- ☐ **Count the cost: Is the result attainable worth the effort and continued involvement required? Factor in time (who will pay?) and stress (the price you will pay).**
- ☐ **Deliver the goods: Follow through thoroughly. Be prepared for a serious counterattack.**



Knowing **Your** Weak Spots: Expectations, Goals, and Core Values

1. What are your triggers or “hot buttons”?
2. (Hint: Think about your core values. What are you typically aiming for out of the practice of law? Or life?)
3. How do you keep the Joker from getting under your skin?

A helpful tale.... (Part 2)



Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”



What is one practical thing that you are taking away from this seminar?



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Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”

- **Identify your Jokers and pay attention to how they make you *feel, think, or react*.**
 - What is it about this Joker that is maddening, frustrating, annoying, or difficult?
 - What are the **warning signs** that I am feeling anger, hatred, anxiety, or fear from dealing with a Joker?



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Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”

- **Plan and prepare to meet the Joker.**
 - Set **realistic expectations**; how do you want to act during the encounter, and feel afterwards?
 - **Avoid personalizing** the case, or the specific issue.
 - Look for things about the person that you can respect, identify with, **or at least see as human**.



Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”

- Do whatever helps you feel peace and maintain perspective **before**, **during**, and **after** a Joker encounter.
 - Exercise, meditation, music, journal, prayer, sleep, nutrition
 - Be aware of **other factors affecting your stress level**-- family strife, job demands, exhaustion, and poor self-care.
 - Can I **delegate or refer** elsewhere?



Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”

- **Create (or Find) a Healthy Culture**

- What are the messages I get from my peers, superiors, or other colleagues?
- **How are mistakes handled?**
- **What can I do to have a positive effect on the climate of my work environment(s)?**



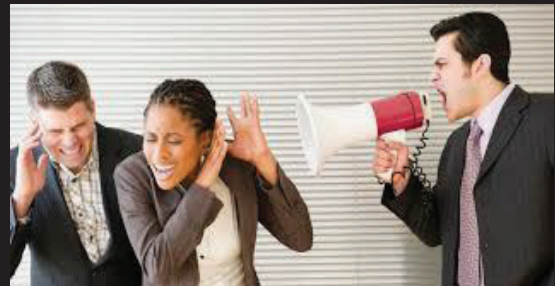


Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”

• Toxic Leadership Behavior

- Criticizes and/or embarrasses others in public settings.
- Uses anger and blame to minimize and control others.
- Creates an environment of fear, anxiety and silence.
- Uses retribution to punish those who appear disloyal.
- Has an inflated sense of self-worth.



Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”

A lesson from...

“Satan’s Cesspool”
(S. Fork of the
American River in
California)





Knowledge in Action:

Practical Steps to “Keep Your Head, When Those About You are Losing Theirs and Blaming it on You”

HUMILITY HELPS!

Remember: You might be the Joker someone else is thinking of!



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