

## **PUT INTO PRACTICE CLE:**

**Is It Over Yet? The Duty Of Competence Is More Than What You Think...Especially Now.**

February 2022 — Virtual Program



## AGENDA:

### **Is It Over Yet? The Duty Of Competence Is More Than What You Think... Especially Now.**

11:55 a.m. Welcome Remarks

12:00 p.m.–1:00 p.m. — Competence & Well-Being (WFH Edition) -- New Challenges in a Whole New World “Post”  
Pandemic Pitfalls- Episode 1

1:00 p.m.–1:05 p.m. — Break

1:05 p.m.–2:05 p.m. — Competence & Ethics/Professionalism (WFH Edition) -New Challenges & Risks in a Totally  
New Setting “Post” Pandemic Pitfalls- Episode 2

2:05 p.m. – 2:10 p.m. — Break

2:10 p.m. – 3:10 p.m. — Competence & Technology (WFH Edition) -New Challenges & Risks in a Brand New Era  
“Post” Pandemic Pitfalls- Episode 3

3:10 p.m. – 3:15 p.m. — Closing Remarks

#### **SPEAKERS**

Michael Kahn, ReelTime CLE Co-Founder

Chris Osborn, ReelTime CLE Co-Founder

**Timed Agenda** – 3.0 Hour Live Virtual Program



## PRESENTER BIOGRAPHY

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**Michael Kahn, JD, LPC**  
**ReelTime CLE Co-Founder**  
**Vancouver, BC**

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, career satisfaction 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-facilitates 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, diversity and inclusion, and other topics for lawyers and mental health professionals throughout the U.S., Japan and Germany, including for the U.S. military.



## PRESENTER BIOGRAPHY

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**Chris Osborn, JD**  
**ReelTime CLE Co-Founder**  
**Charlotte, NC**

In addition to his ongoing work with ReelTime CLE, Chris Osborn is the founding principal of Osborn Conflict Resolution, which provides Superior Court mediation, pre-litigation dispute resolution, and collaborative law services throughout North Carolina. 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.



# "Is It Over Yet?"

MARTY, WHATEVER HAPPENS



DONT EVER GO TO 2020! or 2021!!

*The Growth & Expansion of  
the Duty of Competence--  
"Post" Pandemic Edition*

February 21, 2022



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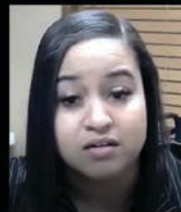


**ReelTime**  
CREATIVE LEARNING EXPERIENCES

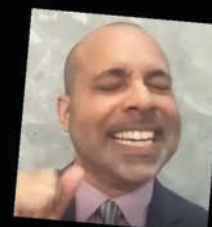


Today's Focus: The Changing Face of "Competence" in  
the Hybrid Work Era

- Best practices for working via laptop/mobile devices
- Changes in how we view **technological competency**
- Strategies for developing and maintaining a **commitment to well-being**
- Film Clips -- as the catalyst for discussion....



"Is It Over Yet?"







## WE WANT TO HEAR FROM YOU!

### ATTENDEE INSTRUCTIONS:



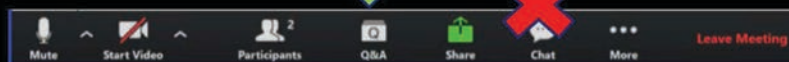
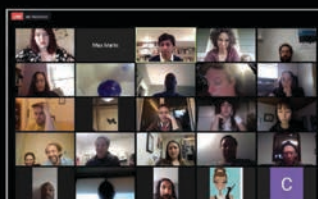
#### USE "Q&A," not Chat

- Ask your own questions, or respond to ours
- We will read the most insightful, interesting or helpful ones!



#### Let's try it now:

What 3 words would you use to best describe your experience of working from home/remotely during the past 2 years?



## Introducing our Special Guests...

Colleen Byers, Esq.



**COLLEEN BYERS**  
.....  
MEDIATION, LLC

Emily Cooper, Esq.



 COOPER LAW, LLC

Kathryn Burmeister, Esq.



 KATHRYN F. BURMEISTER



## Introducing our Special Guests...

Anna Levine



Kathryn Burmeister



KATHRYN F. BURMEISTER



## Introducing our Special Guests...

Cedric Ashley, JD, M. Div.



Kathryn Burmeister, Esq.



KATHRYN F. BURMEISTER



## Competence & Well-Being (Working from Home Edition)

### New Challenges in a Whole New World

#### Scene 1:

*“We’ll just have to take it as we go.”*



#### Scene 1: *“We’ll just have to take it as we go.”*

1. What did Sydney do well to build the relationship with Amanda?
2. How can you relate to the challenges Sydney faced working virtually?
3. How do you cope with the inevitable interruptions and technical issues when working from home?
4. How do you set boundaries between work and home when work is at home?







## Competence & Well-Being (Working from Home Edition)

### New Challenges in a Whole New World

#### Scene 2: *“Speaking of ‘game changers’...”*



#### Scene 2: *“Speaking of game changers...”*

1. What did Charlie do well in this scene?
2. What if any concerns do you have?
3. What would you have done differently?
4. Does working virtually pose different challenges for men and women?

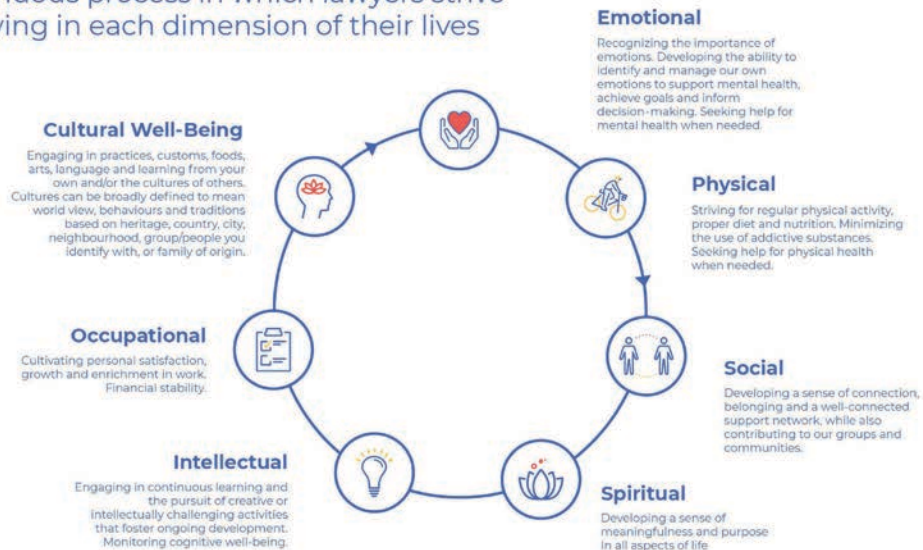




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## Lawyer Well-Being

A continuous process in which lawyers strive for thriving in each dimension of their lives



[lawyerwellbeing.net](http://lawyerwellbeing.net)



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## micro Self-Care

- Quick self-replenishing practices throughout the day, every day
- Simple, free and doable
- Include a prompt or trigger to make them routine/habits
- The emphasis is on repetition





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## Energy Replenishers and Depleters

- What are your **personal energy expenditures**?
  - Consider roles, tasks, spouse/partner, time of day, friend(s), **kid(s)**, etc.
- What are your **personal energy replenishers**?
  - Consider friend(s), spouse/partner, kid(s), roles, activities, time of day, etc.
  - It can be “little” things (waking up early, music, **going outside**, yoga, breathing exercise, time with a pet).



The Ethical Dilemmas No One Talks About: Clarifying Boundaries (Webinar),  
Mary Jo Barrett, MSW and Linda Stone Fish, MSW, PhD



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## Energy Replenishers and Depleters

- What are your **professional energy expenditures**?
  - Consider particular clients, time of day, roles, tasks, meetings, work relationships, location etc.

### What are your **professional energy replenishers**?

- What are your healthy “go tos” for soothing yourself?
- “Little” things (cup of tea in a favorite mug, walk outside, looking out the window, colleague) **Who helps soothe you?**
- Do you anticipate times when you will be depleted and have a plan? Do you schedule energy replenishers?







## STOP Frequently in Your Day

- **S**top
- **T**ake a breath
- **O**bserve
- **P**roceed intentionally



Lapis, P., (2014). *The Little Greenbook for The Mindful Lawyer, Ten Minutes a Day to a Better Way of Working and Living.*



## Competence & Well-Being (Working from Home Edition)

### New Challenges in a Whole New World

#### Scene 3:

*“Sorry, lost the connection for a bit....”*



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**Scene 3: “Sorry, lost the connection for a bit...”**



- 1. What did Sydney do well in this scene?**
- 2. What challenges did she face, both in general and particularly with the virtual format?**
- 3. How would you respond to a client who is sad, angry or upset? Do you think Amanda felt heard?**
- 4. Did anything about the document sharing discussion give you pause?**



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**Competence & Ethics/Professionalism  
(WFH Edition)**

**New Challenges & Risks in a Totally New Setting**

**Scene 4:  
“A wrinkle in... timing...”**





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## Scene 4: “A wrinkle in... timing...”

1. How might Brandon’s suggestions about Charlie’s tech set up be affecting Charlie?
2. What did you like about Charlie’s interactions with the client?
3. What was potentially problematic?
4. What would you have done differently?



## “Is It Over Yet?”



*The Growth & Expansion of  
the Duty of Competence--  
“Post” Pandemic Edition*

February 21, 2022



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**LAWYERS  
MUTUAL** | LIABILITY INSURANCE  
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During our 5 min. break, please enjoy this timely parody song from our friends in the Mecklenburg County Bar Revue....



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## Competence & Ethics/Professionalism (WFH Edition)

**New Challenges & Risks in a Totally New Setting**

**Scene 5:**  
***“Can you hear me now?”***



### *Scene 5: "Can you hear me now?"*

1. What could Sydney have done differently, given the time challenges she was facing?
2. What factors do you think may have kept her from making a better choice?
3. What do you do that is helpful when facing stressors of this kind?
4. Once Sydney got dialed in from the laptop, what happened that unsettled her?



### **Competence & Ethics/Professionalism (WFH Edition)**

#### **New Challenges & Risks in a Totally New Setting**

#### *Scene 6: "So, what's the issue?"*



## Scene 6: “So, what’s the issue?”



1. What was Sydney looking for when she set up and then began this Zoom meeting with Sabina? Does it seem like she got what she was looking for?
2. What do you think about how Sabina handled this mentoring opportunity? What could she have done differently, even under these circumstances?
3. How might conducting the meeting by Zoom been better — or worse, or just different—than having the same discussion in person?



## Create (or Find) a Healthy Culture

- Is there a **commitment to wellbeing**?
- Can I **communicate openly** about concerns and challenges?
- Is this firm/organization **supportive**?





**“Culture is a company’s spinal fluid that, when flowing freely, reduces pain, keeps the framework lubricated, and maximizes performance.”**



## **Competence & Technology (WFH Edition)**

**New Challenges & Risks in a Brand New Era**

**Scene 7:**

***“I saw something I shouldn’t have seen...”***





### Scene 7: “I saw something I shouldn’t have seen.”

1. What did the couple do well during this scene? What could each of them have done differently with regard to the conversation itself?
2. How could Charlie & Sydney have avoided this ethical pitfall?
3. Charlie says that working from home is stressful and isolating. Can you relate? What upsides and downsides have you experienced, and how do you handle them?



## Competence & Technology (WFH Edition)

### New Challenges & Risks in a Brand New Era

### Scene 8: IT Crisis (a/k/a “[bleeeeeep]”)





## Scene 8: IT Crisis (a/k/a “[bleeeeeep]”)

1. How would you describe Oscar’s leadership skills and style as depicted here?
2. What did he do well? Not so well?
3. How do *you* respond to unusually stressful situations?
4. Has your firm or organization had a data breach or ransomware attack? How did you handle it?



## Mindfulness

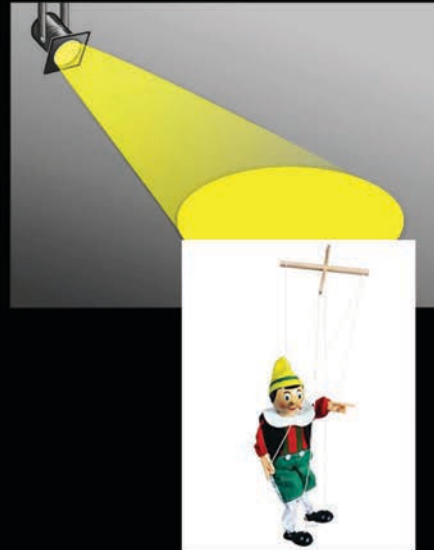
Paying attention to how you are feeling and what you are thinking and sensing so you can deal with the present situation with a clear head.





## 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)...**”



## 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.”



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



**4 x 7 x 8**



## **Competence & Technology (WFH Edition)**

**New Challenges & Risks in a Brand New Era**

**Scene 9:**

***“A real ... cluster... humdinger...”***





## Scene 9: “A real cluster... humdinger...”

1. What did Oscar do well in his communications to the firm?
2. What if any concerns did you note about his comments or instructions?
3. What do you think of his statements regarding their clients’ interests?
4. What steps has your firm/organization taken to prevent or respond to a data breach?



## “We’ve had a data breach!”

### 2021 Legal Technology Survey Report:

- 25% of LF had a breach at some time
- 36% have an Incident Response Plan
- 80% with 100+ lawyers have an IRP

Ransomware Attacks by Size of Firm



Figure 1: Ransomware Attacks by Law Firm Size  
Source: Tari Schreider Ransomware Attack Database

Thomson Reuters



## “We’ve had a data breach!”

Have you  
made your  
**INCIDENT  
RESPONSE  
PLAN?**



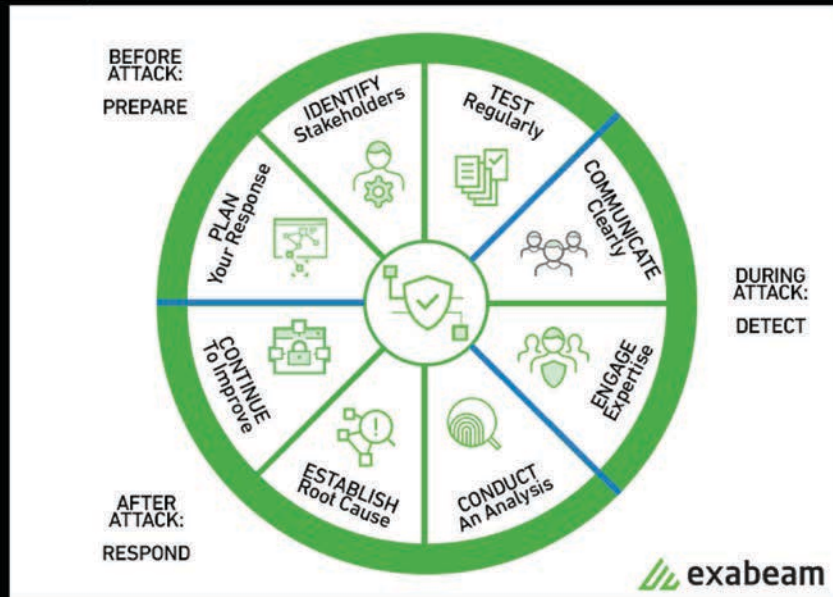
- **Create an IRP**
- Do regular **tabletop exercises** on the IRP
- Ensure the IRP is **accessible** during a disaster
- **Prepare, Practice, and Revise Regularly**

## “Who you gonna call?”

- **Data Breach Lawyer**
  - Review applicable state’s data breach notification law
- **Cyberinsurance company**
- **Digital forensics firm**
- **Contact your regional FBI office**
  - IC3: Internet Crime Complaint Center
- **Bank**
- **Affected clients**
- **Public relations**



*Your law firm has been breached: who are you going to call?*  
Nelson, Simek, and Maschke (AbovetheLaw.com, January 4, 2022)



## Competence & Technology (WFH Edition)

**New Challenges & Risks in a Brand New Era**

**Scene 10:**  
**“The vicissitudes of life.”**



## Scene 10: “The vicissitudes of life.”

1. What are the signs that you are most in need of rest or replenishment?
2. What kind of things have you “found yourself” doing (or unable to stop doing) to deal with your stress?
3. What effective behaviors have you implemented to respond to the increased stress, uncertainty and loss experienced during the pandemic?
4. What if anything might you need or want to change, or do differently, going forward?

<https://www.youtube.com/watch?v=ypPBev3yiDE>



## Accidents Don't Have to Happen

- WHAT YOU CAN **PREDICT**,  
YOU CAN **PREVENT**
- WHATEVER YOU **PERMIT**,  
YOU **PROMOTE**

**THEREFORE:**

**Identify your own particular  
vulnerabilities**





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## Leverage your Available Resources

- **Colleagues**
- **Mentor**
- **NCLAP**
- **Counselor**
- **Life Coach**
- **LML Claims Counsel**
- **Friends**
- **Pastor / Rabbi / Spiritual Advisor**
- **Spouse / Partner**
- **“Board of advisors”**
- **NC BarCares**



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## “Is It Over Yet?”

The Duty of Competence is More Than What  
You Think...Especially Now

What is **ONE THING** you are taking away  
from our discussion today?



**(Write it down!)**







## "Is It Over Yet?"

If you have encountered challenges with **potentially excessive or compulsive online viewing or activity of any sort** (including pornography, shopping, social media, sport betting or gambling), **you don't have to battle alone!**

If you would like to connect virtually and confidentially with us and other lawyers dealing with similar challenges, email us (anonymously if you prefer) at:

**[ryansroundtable@reeltimecle.com](mailto:ryansroundtable@reeltimecle.com)** .



## Well-Being Week in Law- May 2-6, 2022

<https://lawyerwellbeing.net/lawyer-well-being-week/>







*Moving pictures.  
Engaging minds.  
Changing paradigms.*

[www.ReelTimeCLE.com](http://www.ReelTimeCLE.com)

For over 15 years, Chris Osborn, JD and Michael Kahn, JD, LPC have provided engaging, practical, enjoyable workshops and training programs on the most daunting and dreaded topics for law firms, companies, and organizations around the U.S., Canada, and Australia.

Compliance &  
HR Training

Sexual  
Misconduct  
Prevention

Diversity & Inclusion  
/ Implicit Bias

Professional  
Development

Mental Health &  
Well-Being

Ethics &  
Professionalism

**"Is It Over Yet?"**

**MARTY, WHATEVER HAPPENS**



**DONT EVER GO TO 2020! or 2021!!**

***The Growth & Expansion of  
the Duty of Competence--  
"Post" Pandemic Edition***

**February 14, 2022**



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**LAWYERS  
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## **LAWYERS MUTUAL CERTIFICATE OF ATTENDANCE**

SPONSOR: Lawyers Mutual Liability Insurance Co. of North Carolina – Sponsor #551

TITLE: Is It Over Yet? Competence Is More Than What You Think...Especially Now

LOCATION: Live Webcast

TIME: 12:00 p.m. – 3:05 p.m.

**Please indicate the program you attended:**

	<b>Date</b>	<b>Course No.</b>
_____	February 14, 2022	TBD
_____	February 15, 2022	TBD
_____	February 18, 2022	TBD
_____	February 21, 2022	TBD
_____	February 22, 2022	TBD

**100% ATTENDANCE WILL RESULT IN THE FOLLOWING CREDIT:**

2.0 hour of Ethics CLE Credit (includes technology requirement)

1.0 hour of Mental health/substance abuse

This program is approved by the North Carolina State Bar for a maximum of 3.0 hours of CLE credit.

**THIS CERTIFICATE SHOULD BE RETAINED BY THE PARTICIPANT AS PROOF OF ATTENDANCE AND MAY BE USED FOR SUBMISSION TO RECEIVE CLE CREDIT FROM ADDITIONAL STATES OR ORGANIZATIONS.**

\_\_\_\_\_ No. of General CLE Hours Attended

\_\_\_\_\_  
Participant's Signature

**Participant's Name:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

The following authorized signature certifies that this certificate was issued to the participant named above.

*Sharon Sparrow*

02/28/2022

\_\_\_\_\_  
Sharon Sparrow  
Client Services Coordinator

\_\_\_\_\_  
Date

**THE NORTH CAROLINA STATE BAR  
BOARD OF PARALEGAL CERTIFICATION**

Post Office Box 25908  
Raleigh, NC 27611  
(919) 828-4620

**CLE/CPE CERTIFICATE OF ATTENDANCE (OR TEACHING CREDIT)  
FOR PARALEGALS**

Name \_\_\_\_\_ Certified Paralegal No. \_\_\_\_\_

Sponsor of Program Lawyers Mutual Liability Insurance Company of NC

Program Title Is It Over Yet? Competence Is More Than What You Think...Especially Now

Please indicate which program you attended:

	DATE	COURSE NO.
_____	February 14, 2022	TBD
_____	February 15, 2022	TBD
_____	February 18, 2022	TBD
_____	February 21, 2022	TBD
_____	February 22, 2022	TBD

**100% ATTENDANCE WILL RESULT IN THE FOLLOWING CLE/CPE CREDIT  
HOURS:**

General 0

Ethics 3 (Includes Substance Abuse/Mental Health and Professionalism)

*This certifies attendance at the above program for the hours indicated.*

\_\_\_\_\_  
Signature of Paralegal

\_\_\_\_\_  
Date

Sharon Sparrow  
Signature of Representative of Sponsor

\_\_\_\_\_  
Date 02/28/2022

**\*\*\*IMPORTANT\*\*\***

*This certificate must be furnished to the North Carolina State Bar Board of Paralegal Certification with your Application for Recertification. **DO NOT SEND THIS CERTIFICATE TO THE NORTH CAROLINA STATE BAR BEFORE YOUR RENEWAL IS DUE – IT WILL BE RETURNED TO YOU.** The North Carolina State Bar does not keep track of or record CLE/CPE attendance for certified paralegals. A **copy** of this certificate should be **retained by you** for three years from the date of issue. **Do not return this form to the CLE/CPE sponsor.***



## ADDITIONAL RESOURCES:

With the Internet and Luck” by the Mecklenburg Bar Revue

<https://youtu.be/uQOP3i61oxg?t=66>

“Is it Over Yet?”-- Scene 10: “The vicissitudes of life...” (scene 10)

<https://www.youtube.com/watch?v=ypPBev3yiDE>

Podcast interview with Kathryn B., “Thriving... While Overcoming Addiction to the Status Quo.”

MK <https://thrivinglawyerspodcast.com/thriving-while-overcoming-addiction-to-the-status-quo>

## RYAN’S ROUNDTABLE:

If you have encountered challenges with potentially excessive or compulsive online viewing or activity of any sort (including pornography, shopping, social media, sport betting or gambling), you don’t have to battle alone!

If you would like to connect virtually and confidentially with us and other lawyers dealing with similar challenges, email us (anonymously if you prefer) at: [ryansroundtable@reeltimecle.com](mailto:ryansroundtable@reeltimecle.com)





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