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## Procrastination and the Allure of Tomorrow

Procrastination has few advocates but many followers. It has been the subject of philosophical wisdom, comedic humor, academic study, psychological research, and therapeutic advice for centuries. It is part of the human condition, though it affects some considerably more than others. The legal profession, with its deadlines, obligations, and responsibilities, can be quicksand for those most vulnerable to putting off today that which can be delayed until tomorrow.

The inevitable questions about procrastination have always been much the same: 1) what exactly is it, 2) why do we do it, and, perhaps most importantly, 3) how do we avoid or overcome it?

### The What Question

To understand procrastination, it is helpful to understand what it is not. Procrastination in the legal profession is not:

- **Strategic delay:** Deliberately delaying a decision or action because the issue appears likely to resolve itself and thus make further action or decision-making unnecessary (e.g., holding off preparing discovery, a brief, or jury instructions in reasonable anticipation the case will resolve).
- **Intentional delay:** Deliberately delaying a decision or action because the consequences are uncertain and/or potentially problematic without first obtaining additional information (e.g., delay in accepting a settlement offer or taking on a new client until more information is made available).
- **Necessary delay:** Deliberately delaying a decision or action because work load and/or time constraints necessarily require attending first to other matters that are more urgent (e.g., delay caused by an upcoming court appearance or significant client meeting).
- **Accidental delay:** Delay caused by miscalculating the amount of time needed to finish a project (e.g., belatedly realizing a legal issue to be briefed is more complex than first thought) or genuinely forgetting to act on an intended goal (e.g., not remembering to timely file discovery requests or send a settlement demand letter). This type of delay may be professionally problematic for a lawyer, but it is not procrastination.

Procrastination in the legal profession (i.e., of the kind that chronically interferes with one's professional responsibilities) occurs when a lawyer:

- Recognizes the need to achieve a particular goal (e.g., getting a brief or discovery filed on time),
- Has the time and opportunity to achieve the goal (e.g., 60 days to file a brief),
- Knows that delay will harm the prospect of achieving the goal, and
- Nevertheless, intentionally delays taking the action necessary to successfully achieve the goal (e.g., the lawyer does not complete a brief or discovery requests or waits until the last minute to undertake the project).

In short, procrastination is intentionally postponing necessary action, fully knowing that delay will probably impede one's ability to accomplish a necessary task or, at least, impair the ability to produce a quality work product. It is acting against one's own best interests and likely the best interests of the lawyer's clients. It tends to affect both one's personal and professional life.

While there are no known empirical studies of procrastination within the legal profession, statistics about the general population suggest:

- Almost everyone (95%) reports procrastinating sometimes, and
- Nearly 50% of Americans self-identify as chronic procrastinators.

### The Why Question

The further away in time a task needs to be completed, the more inclined people are to delay attending to it, particularly when it is unpleasant or stress-producing. To some extent, this is human nature. When the behavior repeatedly occurs and risks significant adverse personal and professional consequences, it amounts to chronic procrastination. In the legal profession, an example of serious procrastination is seen when lawyers unreasonably delay for months or years the filing of a lawsuit. Fear, anxiety, uncertainty, or any number of other emotional responses may cause the lawyer to defer filing until the imminent expiration of the statute of limitations compels a last-minute scramble to get the matter filed.

Procrastination is not a time-management problem. Keeping meticulous to-do lists and time sched-

ules are typically not the solution. Most researchers today consider that mood, emotions, and emotional regulation issues are causally at the heart of chronic procrastination. People generally learn from their mistakes and make changes so as not to repeat them (e.g., filing discovery late can have consequences). The chronic procrastinator, however, constantly repeats the very behavior that experience has taught will likely be harmful and self-defeating. Moreover, studies have found that procrastinators often carry with them anxiety, shame, and guilt about their decision to delay. Why then do they continue to procrastinate?

When faced with the decision to undertake an unpleasant task today, the chronic procrastinator seeks to avoid the negative emotions associated with it and instead opts to delay action until tomorrow. The fear, uncertainty, insecurity, anxiety, embarrassment, or other emotion associated with the task is put off to a later time, with the hope that the emotional angst it produces will be more easily coped with in the future. Delaying action thus functions as a form of emotional self-regulation, despite the procrastinator's conscious or unconscious knowledge that in doing so the task being delayed will itself likely now be prejudiced.

### The How Question

Behavioral scientists and psychologists have for years sought to identify techniques helpful to those struggling with chronic procrastination. Many of their research-based recommendations, often simple in application, have proved valuable in helping many to successfully mitigate the challenges of procrastination. Their recommendations include:

- **Introspection:** Seek to honestly identify the reason(s) for the procrastination; if change is to be made, some candid self-understanding is a necessary starting point.
- **Awareness:** Recognize that, at its core, serious procrastination is often about emotions – feeling good in the short term by delaying decisions or actions that may be unpleasant.
- **Social interaction:** Many lawyers and others challenged by chronic procrastination are isolated in their struggle. They often feel embarrassed, anxious, and/or depressed by their delaying behavior. Talking openly with a spouse/partner or a trusted friend or colleague about their challenges

is very therapeutic and a valuable first step in making needed changes.

- **Small steps:** When faced with a disagreeable or daunting task, studies have demonstrated that breaking the project up into smaller pieces and completing them piecemeal is often a very effective practice toward ultimate task completion (e.g., opening a blank Word document is the first step in drafting a brief). Success in the small steps psychologically encourages confidence and forward momentum.
- **Social support:** Making a verbal commitment to another person about steps (even small steps) intended to be taken on a project reinforces that commitment and the likelihood of success.
- **Setting aside time:** Commit to yourself (and someone else, if possible) to do a defined portion of a delayed task at a defined time; set aside an hour or two (repeating, if necessary) to work solely on that item, and only that item. Some caveats:
  - Mornings tend to be best because people's energy levels generally are greatest at that time;
  - Energy levels are strongly influenced by how rested and well-nourished one is; when energy levels are low, one's physiological ability to stay on task and motivated is also low;
  - Make distractions less likely: take no calls, turn off your cell phone, close your door, clear your desk, and stay off your computer (except as needed for the task at hand).
- **Monitoring:** Research clearly shows that monitoring progress helps assure success. It creates a visible record of effort and reinforces the positive behavior.
- **Setting deadlines:** Procrastinators who set meaningful deadlines for themselves are much more likely to achieve task completion. This is especially true if the deadline date and time are written.
- **Rewards:** The procrastinator who is rewarded for task completion (again, even for small steps) is more likely to be successful; regularly rewarding oneself for progress made psychologically reinforces the positive behavior.
- **Be realistic:** (1) Many procrastinators tell themselves they work best and are most effective

when they are under last-minute time pressure. Studies show that the work-product of the procrastinator is typically inferior to that of the non-procrastinator. (2) Plan a realistic amount of time for the task. Studies show that people are reasonably accurate in estimating how long it will take others to perform a task, but notoriously optimistic in making such estimates for themselves.

- **Counseling and therapy:** As noted above, chronic procrastination is often about emotions. Counselors can help address the underlying issues and help you change your behavior.

The Oregon Attorney Assistance Program offers counseling assistance and referral resources for all Oregon lawyers, judges, and law students. If you are interested in a procrastination workshop, contact the OAAP.

DOUGLAS S. QUERIN, JD, LPC, CADC I  
OAAP ATTORNEY COUNSELOR

## World Mental Health Day 2019

World Mental Health Day is October 10, 2019. It is an initiative of the World Federation of Mental Health and is recognized by the United Nations, the World Health Organization, and numerous other international organizations.

The ABA Law Student Division has joined in a collaborative effort with the ABA Commission on Lawyer Assistance Programs (CoLAP) and the Dave Nee Foundation to develop a Mental Health Toolkit. You can download the toolkit, as well as browse other essential mental health and wellness resources, at: <https://abaforlawstudents.com/events/initiatives-and-awards/mental-health-resources/>.

If you or someone you care about is struggling with anxiety, depression, or other mental health challenges, the OAAP is here to help. Call and ask to speak with an attorney counselor. It's free and confidential. Call 503.226.1057.

# Perspectives: Life in Early Recovery

I recently had the privilege to interview several Oregon lawyers in the first few years of their recovery from alcohol and/or substance use. Below are some of their answers to my questions about their unfolding recovery journey.

## **1. What were one or two of the primary factors that encouraged you to get into recovery?**

- I was scared of what my life had become and that I could no longer control my drinking or myself when I was drunk.
- I finally had to admit to myself I was drinking way more than my colleagues.
- I felt increasingly dishonest with my family and myself about my drinking.
- A supportive friend shared with me positive stories about his friends in recovery. Although not in recovery himself, his ability to talk about recovery without judgment was very helpful.
- I was fearful that my drinking would have professional consequences if I did not address it.
- I hoped that stopping drinking would improve aspects of my life that were progressively being impacted: my mental, physical, emotional, and spiritual life; stress, anxiety, and deteriorating relationships were also factors.
- I felt that my consumption of alcohol and substances I was using to quell my anxiety was beginning to totally rule my days.
- I hurt someone dear to me, my life was a mess, my health was a mess, and drinking was consuming my life.

## **2. What have been some challenges you have experienced in maintaining your recovery?**

- I found that I was reluctant to disclose that I had stopped drinking.
- It was challenging learning to navigate the many, many professional events that are centered around drinking – how to participate but not drink.
- Lawyer networking events are still difficult – so much focus seems to be on alcohol. I get anxious when I’m talking to people because I don’t have something in my hands.

- Uncertainty about the future; imagining a life of abstinence seemed unfathomable; there was some loneliness due to my having to put some healthy distance between myself and the people I frequently drank and used with.
- Finding new friends and new activities to keep busy. Doing the work to stay sober long-term is challenging but rewarding.
- I had to learn how to enjoy leisure activities without drinking.
- I am learning to be more accepting of my emotions and being patient that everything isn’t drastically better overnight.
- I could no longer pour booze over a bad day at work. And I could no longer reward myself after a long day at the office.

## **3. What kinds of things, activities, and/or practices do you do to maintain your recovery?**

- I go to three or four recovery meetings a week, and I regularly meet with my sponsor every month.
- I make sure I have a “buddy” with me at social and networking events – someone who knows why I am not drinking. I don’t need them not to drink, but it’s helpful to have the accountability.
- The most important thing I do is to stay connected with a recovery community that supports my decision to be sober.
- Developing and being mindful of healthy habits.
- I regularly see a therapist, I’ve reconnected with my brother (who has 30+ years of sobriety), I attend 12-step meetings and Refuge Recovery meetings, and I meditate.
- I work out, stay busy, meditate, pray, work with others, be of service, go to meetings, and stay connected.

## **4. Has your life in recovery affected your relationships with others (e.g., family, friends, peers, colleagues, etc.)? If so, can you give me a couple of examples?**

- I am so much more present in my friendships, with my spouse, and in all relationships. I remember conversations I’ve had with people.

- Before recovery, it was foolish for anyone to trust me. Recovery has allowed me to start to rebuild that trust with others who are important in my life.
- I used to be a source of disappointment and pain for the people I cared about. My relationships today are much healthier and mutually rewarding.
- My relationships with my family (spouse, kids, parents, siblings) have never been better. My shame and guilt have gradually melted away as time passes.
- I am more honest.
- Being present more often at work has strengthened those relationships, and today I am also more present and involved in my kids' lives.
- My marriage is stronger because I am not covering up my drinking and lying about how much I'm drinking.

**5. Has your recovery affected your professional life and/or law practice? If so, how?**

- I used to avoid professional events with clients present because I did not want to risk saying something inappropriate because of my drinking. Now I don't have that concern.
- I am not hung over constantly. I am now able to get to the office earlier and be much more productive. (It also helps that I am no longer taking off early to go drink.)
- The first few months/year of not drinking was very hard for me at work because I had previously used alcohol to deaden the bad feelings I had about my job.
- My recovery has allowed me to make necessary changes in my work life that I had been unable to face as a drinker.
- Recovery allows me to deal in a healthy way with the stress and anxiety that often accompany law practice.
- I am better now at doing work at work and doing the rest of life when I am not at work.

**6. What have you noticed most about how life is different for you in early recovery?**

- I have so many amazing people in my life who are rooting for me to stay sober. It was amazing

the network of people who came out to rally around me once I admitted I had a problem.

- I no longer have to pour alcohol over something to enjoy it.
- It's amazing how much more energy you have for the rest of your life.
- The cloud of shame I constantly had while I was drinking and using has lifted.
- I am not as anxious or depressed. I am generally more optimistic about things.
- After about a year, not drinking felt "normal." I was no longer triggered by attending events, dinner parties, etc.
- Health – mental, physical, emotional, and spiritual – has done a 180, and it feels great!

**7. Are there any tips you would give to a lawyer considering getting into recovery?**

- Meet and talk to some lawyers who are in recovery and hear what we have to say about how much better life is now.
- Talk to trusted friends and the attorney counselors at the OAAP. They can connect you to a great recovery community. They are good people ready to help and are closer than you think!
- Getting into a recovery program will give you tools to use to help both with your drinking and your life.
- Reach out and talk to like-minded folks. Most people would be (happily) shocked to know the many resources available to those seeking to get into recovery.
- If you think you might need recovery, then you probably do.
- Call the OAAP!

Our very special thanks to the lawyers who have shared a personal part of their lives in the hope that their perspectives will be of help and encouragement to others.

DOUGLAS S. QUERIN, JD, LPC, CADC I  
OAAP ATTORNEY COUNSELOR

# Self-Care for Women Lawyers of Color

The National Task Force on Lawyer Well-Being (“Task Force”) in its report<sup>1</sup> “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,” took note that an important aspect of well-being among lawyers is diversity and inclusion. In recognizing that organizational belongingness (defined as presence of acceptance, inclusion, respect, and support by others) is associated with well-being, it recommended that all stakeholders prioritize diversity and inclusion, as well as create meaningful mentoring and sponsorship programs. Unfortunately, the lack of diversity and inclusion in our legal profession remains a concern. Specifically, for women lawyers of color, this lack of diversity and inclusivity adds a layer of complexity and stress that makes well-being difficult to achieve.

Many women lawyers of color encounter ongoing bias, discrimination, and harassment that arise from ethnic, racial, and gender differences. For example, previous reports<sup>2</sup> by the ABA Commission on Women in the Profession such as the “Visible Invisibility Women of Color in Law Firms Executive Summary,” showed women lawyers of color as reporting high rates of being subjected to demeaning comments or harassment, and being excluded from networking opportunities, mentoring, or desirable work assignments. Additionally, the study indicated that women of color felt the need to overcome stereotypes about their abilities at work and their level of commitment. Many women of color shared “downplaying” or “homogenizing” their gender or ethnic identities at the office, maintaining long work hours, working harder than other colleagues, and experiencing loneliness, isolation, or invisibility. The study also showed that the stress of trying to fit in and experiences of invisibility led to a significant portion of women lawyers of color reconsidering their careers and leaving law firms.

More recently, according to the 2018 ABA Commission on Women in the Profession and Minority Corporate Counsel Association (MCCA) “You Can’t Change What You Can’t See Executive Summary” report<sup>3</sup> on interrupting racial and general bias in the legal profession, women lawyers of color were more likely to report they were held to higher standards than their colleagues. They were also more

likely to be mistaken for non-lawyers (i.e., administrators, court personnel, or janitorial staff). As compared with other surveyed groups, they reported the highest levels of bias with respect to equal opportunities to access high-quality assignments, networking opportunities, receive mentoring, and fair compensation. As women, they experienced higher rates of harassment at work compared to men. The Vault/MCCA Law Firm Diversity Survey 2018 Report<sup>4</sup> further reflected the general trend of attrition rates for women associates of color in law firms as increasing while the percentage of those in partnerships as remaining low.

From a mental health perspective, the inequalities and injustices within the legal profession, as acknowledged in these reports, create an environment that is both challenging and disheartening for women lawyers of color; one that especially runs counter to well-being. It is worth noting that at the heart of well-being is care for others, care by others, and care for oneself. Self-care is a practice that could mean the difference between thriving and languishing in this context. When we as women lawyers of color engage in self-care, we intentionally hold space for ourselves to promote our vitality, receive support from others, and preserve our sense of self. This has particularly relevancy for women of color; many of whom, culturally, and socially, feel the need to care for others and often find themselves holding the needs of their families and communities above their own. The legal profession, as a helping profession, can deepen this felt responsibility of tending to others. Constantly and regularly caring for others without taking the self into account can easily erode one’s capacity to meet one’s own physical and psychological needs. For women lawyers of color, it can intensify the negative impact of challenging environments.

Self-care can serve as a catalyst for all women lawyers of color to make the change they see fit both in their personal and professional lives. Through self-care, we can express and reaffirm our values and our worth. We state that we matter and we are invaluable. It can also lay the foundation for how our allies, including stakeholders in the profession, could best treat and support us. Self-care can increase our resilience, gives us strength, and allow us to achieve a state of well-being. It can also provide a buffer against, and potentially counteract the effects of incivility, intolerance, and invisibility; in turn, allowing us to be empowered in the process.

Wondering about how self-care can empower you as a woman lawyer of color? Consider the four self-care practices below:

**1. Connect with a socially supportive community.** Research informs us that being part of a community where there is a sense of accountability, and where people are encouraged to be there for each other, promotes resilience. This may mean being in contact with caring people who not only value the richness of your ethnic, racial, and gender differences, but with whom you celebrate your culture. It might mean being involved in groups both inside and outside of the profession, or engaging in meaningful activities that allow you to help others and foster your growth. It could mean finding a mentor or sponsor, or becoming one in your workplace.

**2. Take a break, recharge, and rest.** Stamina and endurance requires having mental, emotional, physical, social, and spiritual fortitude. Allow yourself time to refresh, recover, and reconnect with activities that bring you joy at home, with your family, and your community. Remember to create a healthy routine that involves a regular meal, bedtime, and exercise plan.

**3. Create and maintain strong boundaries.** The demands of the profession may pressure you to take on more clients, projects, or tasks, and increase your involvement in organizations or engage in volunteer work. Recognize that time and energy are finite. Once used or depleted, there is no more to give. Prioritize those aspects of your life that are most important to you such as your family, community, spirituality, or traditions. Recognize for yourself when is enough. Give yourself permission to say no, and to ask others at work or at home for what you need.

**4. Harness your assets, abilities, or resources.** Your unique background and diverse talents, qualities, attitudes, or aptitudes can allow you to shine and help you overcome obstacles to personal and professional growth. Allow yourself the space to discover or rediscover these parts of yourself and use them to your advantage. Highlight for yourself how you have excelled in using your assets, abilities, or resources, and generously share your successes with others.

*Our thanks to OAAP Attorney Counselor Karen A. Neri, JD, MA-MCFC Candidate, for her contributions to this article.*

## Empowered Women: Support Group for Women Lawyers of Color

This fall 2019, the OAAP is offering a new group, Empowered Women, that focuses on women lawyers of color in the first 10 years of practice or less. Join us to build connections and find support with those who share similar concerns. Obtain helpful tools and strategies for professional growth and personal development. Learn ways to use self-care as your path to authenticity and perseverance.

Empowered Women will be facilitated by OAAP Attorney Counselor Karen A. Neri, JD, MA-MCFC candidate. This six-session group will meet at the OAAP on Wednesdays, from 4:30 to 6:00 p.m., beginning October 2 through November 6. For more information or to reserve a space, contact Karen Neri at [karenn@oaap.org](mailto:karenn@oaap.org) or at 503.226.1057 ext. 11.

### (Endnotes)

1. The Path to Lawyer Well-Being: Practical Recommendations for Positive Change Report: <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>
2. Visible Invisibility: Women of Color in Law Firms Executive Summary: [https://www.americanbar.org/content/dam/aba/marketing/women/visibleinvisibility\\_es.pdf](https://www.americanbar.org/content/dam/aba/marketing/women/visibleinvisibility_es.pdf)
3. You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession Executive Summary Report: <https://www.americanbar.org/content/dam/aba/administrative/women/you-cant-change-what-you-cant-see-print.pdf>
4. Vault/MCCA Law Firm Diversity Survey 2018 Report: <https://www.mcca.com/wp-content/uploads/2018/11/2018-Vault-MCCA-Law-Firm-Diversity-Survey-Report.pdf>



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### **FINDING MEANINGFUL WORK**

The OAAP holds a periodic six-session networking and support group for lawyers making job or career transitions called “Finding Meaningful Work.” The sessions assist lawyers in creating a personalized job search plan; developing a mission statement and elevator speech; learning and practicing networking skills; and honing job search skills. The group is facilitated by OAAP Attorney Counselor Shari R. Gregory, LCSW, JD. To participate, please contact Shari at 503.226.1057, ext. 14, or at sharig@oaap.org.

### **CAREER SELF-ASSESSMENT**

The OAAP attorney counselors can help you assess your career path and career opportunities. If you would like information about self-assessment, contact OAAP Attorney Counselor Shari R. Gregory, LCSW, JD, at 503.226.1057, ext. 14, or at sharig@oaap.org.

### **LAWYERS IN TRANSITION PRESENTATION CALENDAR**

A “Lawyers in Transition” guest speaker is featured quarterly on Thursdays at noon at the OAAP, 520 SW Yamhill, Suite 1050, Portland, Oregon 97204. These presentations are open for anyone to attend. See the calendar below for scheduled speakers.

**SEPT. 12**

**KAREN  
NASHIWA**

*Private law firm practice to  
sole practitioner*

For current information on upcoming Lawyers in Transition speakers and topics, please visit the OAAP website at [www.oaap.org](http://www.oaap.org) and click on Events.