

DELAWARE STATE BAR ASSOCIATION

CONTINUING LEGAL EDUCATION

To Do: Find a Catchy Title for a CLE on Procrastination

December 12, 2023, 12:00PM – 1:00PM

Live at the DSBA (Webcast in Georgetown & Dover)



DSBA WiFi Access

Sponsored by DE-LAP and the Delaware State Bar Association

**1.0 Hour of CLE credit in Enhanced Ethics for Delaware and Pennsylvania
Attorneys**

Speakers

Charles Slanina, Esquire
Finger & Slanina, LLC

Rich Lombino, Esquire, LCSW
Lombino Counseling LLC

David A. White, Esquire
Office of Disciplinary Counsel for the State of Delaware

Carol Waldhauser
Delaware Lawyers Assistance Program

Visit www.dsba.org/cle or all the DSBA CLE seminar policies. Please note that the attached materials are supplied by the speakers and presenters and are current as of the date of this posting.

Stop Procrastinating and Start Doing: How To Unleash Your Productivity Potential To Be The Best You Can!

Upon hearing the word “procrastination” you might recall a messy desk, unpaid bills, a file that never gets opened, tax extensions, rushing to meet the eleventh-hour filing deadline or simply putting things off until tomorrow. Does this sound familiar. If so, you are not alone.

Join our distinguished panel on December 12, 2023, at 12:00 p.m. (noon) for a comprehensive look into the faces of procrastination and explore the unique range of tips and skills that might be right for you.

We will discuss:

- 1. Old Habits Die Hard – What Is This Thing We Call Procrastination?**
- 2. The Power of Boundaries – Procrastination is the art of making something into more than it is, until it expands into more than it needs to be.**
- 3. Great Expectations vs Small Expectations–Coping with Procrastination takes work and time using baby steps not big steps.**
- 4. Breaking Free from the Patterns of Procrastination and Start Doing – Unleash Your Productivity Potential.**

Procrastination

Charles Slanina

I've been planning to write this column for a while. Very few lawyers can claim that they have never procrastinated. When we do, we should be aware of whether that procrastination is harmless human nature, a personality trait or symptomatic of an underlying medical issue that can harm ourselves or others.

Lawyers may be especially prone to procrastination. Our stock in trade is the time that we spend on client matters. We are usually provided exceptional latitude in determining when a client *needs* our services as opposed to when they *want* those services. It is difficult to turn down work. Our egos can impair our ability to say no and to admit that we can't do something within the time expected or required. Financial constraints may make it near impossible to tell clients or employers that we are overextended and overwhelmed.

Work life balance can sometimes be a juggling act. At the same time, we are trying to meet the demands and needs of our employers, clients and the courts, lawyers can also face competing demands in our personal lives. Adding another ball in the air, such as impairment due to drugs, alcohol, or mental health issues, can push procrastination to the point of a professional conduct violation.

A quick survey of the digest of disciplinary decisions maintained by the Office of Disciplinary Counsel disclosed 144 cited Rule 1.3 violations. Rule 1.3 requires that a lawyer act with diligence and promptness in representing a client. While some of these violations may not have directly resulted from procrastination, my experience suggests that many of them do. I also counted ninety-four Rule 1.4 violations of the duty to provide reasonable communication to clients, which is also frequently the result of procrastination. ODC has issued a large compendium of Rule 1.15 books and records cases. Many of those violations were the result of procrastination.

Courts routinely sanction attorneys outside the regular disciplinary process for procrastination which results in dilatory and less than diligent performance. The Delaware Supreme Court meets out sanctions and attorney discipline, including suspensions for practice deficiencies often rooted in procrastination arising from late, deficient filings, non-compliance with Continuing Legal Education requirements or failure to file Annual Registrations.

How can you prevent a common human trait from making you a disciplinary statistic? Self-awareness is the key. If you find that your procrastination is becoming systemic or that harm is resulting to you or your clients, conduct a self-audit.

Is your procrastination the result of avoidance? Am I avoiding specific clients or cases? *Ethically Speaking* has previously discussed the need to screen clients and matters to identify problem clients and cases. (Avoid them now to avoid avoiding them in the future.) Are you neglecting a client because the client makes you fearful or anxious? Is the client insulting,

bullying or otherwise objectionable? Be selective but always remember your option to timely and appropriately terminate the attorney-client relationship. (Rule 1.16)

Are you avoiding a client matter because you are at an impasse as to what to do in the case? This paralyzing fear of failure can be self-fulfilling if you choose procrastination rather than help or withdraw. Do you resent working on the matter because you're not getting paid? Or are you simply overextended to the point where you don't have the time to do that which you know needs to be done? Again, consider withdraw rather than avoidance.

At some point, procrastination may not be explainable as mere situational avoidance. It can also be a sign of professional burnout or an underlying condition such as depression. Depression can lead to a vicious cycle where the depression keeps you from performing the legal services while the procrastination exacerbates the depression.

What can attorney do to address these troublesome warning signs? Procrastination is treatable. Procrastination stemming from anxiety and depression may be treated with medication as can other disabilities such as ADHD or other mental focus inhibitors. Other health issues associated with ageing, sleep apnea, recent surgery and allergies should also be considered.

It should be noted that procrastination, even if medically related, is at best a sanction mitigator. The underlying medical condition contributing to procrastination can only be successfully asserted as a defense if it can be proven that the condition caused the misconduct.

Attorneys can revise their practice and practice settings to pursue the work and clients that they enjoy. Making a change can reinvigorate a practice. Avoid working in isolation if you find yourself prone to procrastination. Co-workers can serve as practice monitors inhibiting procrastination. Isolation enables procrastination.

Outside help is also available. Contact the Delaware Lawyers Assistance Program and the Professional Guidance Committee. Attend one of the many De-LAP Wellness seminars to assist in striking a better work life balance. The Professional Guidance Committee can offer practice pointers to help you work smarter rather than harder. The Delaware State Bar Association practice sections allow camaraderie to combat the isolation that can facilitate procrastination.

This seminar is long overdue. Our apologies for not offering it sooner.

* “Ethically Speaking” is intended to stimulate awareness of ethical issues. It is not intended as legal advice, nor does it necessarily represent the opinion of the Delaware State Bar Association.
Additional information about the author is available at www.delawgroup.com.

*** “Ethically Speaking” is available online. The columns of approximately the past two years are available on www.dsba.org.*

**** Charles Slanina is a partner in the firm of Finger & Slanina, LLC. His practice areas include disciplinary defense and consultations on professional responsibility issues. Additional information about the author is available at www.delawgroup.com.*



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Rich Lombino is a therapist and lawyer. He provides individual, couples and group therapy to adults in Delaware, Pennsylvania, New York and Florida. Areas of expertise include anxiety, burnout, stress, depression, relationship concerns, alcohol/drug use, career decisions and others, with a speciality of helping lawyers, judges and others in the legal community. His career journey began practicing law at a large law firm in New York City, to then directing nonprofit programs assisting those experiencing homelessness and significant mental health issues. After earning a graduate degree from Columbia University, he became a therapist. Rich publishes articles, hosts podcasts, presents continuing legal education and other trainings, and provides consulting to law firms, companies and nonprofits for wellness programs, social media, crisis management and more.

David A. White
Chief Disciplinary Counsel, Office of Disciplinary Counsel,
Delaware Supreme Court

Mr. White is a frequent speaker/moderator in the areas of legal ethics and Alternative Dispute Resolution. In March 2021, the Delaware Supreme Court appointed Mr. White Chief Disciplinary Counsel of the Office of Disciplinary Counsel (“ODC”), and Arm of the Court.

The ODC, which functions as an educational and professional resource for members of the Delaware bar, receives, evaluates, investigates, and when necessary, prosecutes complaints of lawyer misconduct and the unauthorized practice of law. The Office also recommends sanctions for attorney misconduct to the Board on Professional Responsibility and the Court.

Previously, Mr. White was in private practice and was the office managing partner in the Wilmington, Delaware office of McCarter & English, LLP. There, he was a member of the firm’s business litigation, products liability, and bankruptcy practice groups. A substantial portion of his practice was devoted to ADR and representing lenders in the areas of commercial loan workouts, commercial litigation, commercial real estate, and related bankruptcy issues.

Mr. White was a Superior Court Commissioner from 2001-2008 and for several years he taught a civil litigation course for the University of Delaware, Division of Professional and Continuing Studies, where he was awarded Excellence in Teaching awards in 2007 and 2008.

Mr. White has served on the Executive Committee of the Delaware State Bar Association for many years and he is also an Honorary/Volunteer member of the Professional Guidance Committee.

Education:

Widener University School of Law, J.D 1986

University of Delaware, B.A. 1982



Carol P. Waldhauser, ICEAP, WIC, formerly the Executive Director for The Delaware Lawyers Assistance Program (DE-LAP, LLC) from September 2006 until her retirement in February of 2023). DE-LAP offers confidential assistance to Judges and Lawyers to help them identify and address problems such as depression, stress, substance abuse/dependence, gambling addiction and other illnesses and to assist them in developing effective solutions to enhance both their quality of life and work.

Ms. Waldhauser came to DE-LAP with more than eight years of professional employee assistance experience as Assistant (Deputy) Director of the Maryland State Bar Association's Lawyer Assistance Program where she assisted hundreds of individuals in Maryland's legal community focusing on substance abuse/dependence, stress management and employee assistance programs (EAPs).

She has a Bachelor of Science degree in pre-law and business from Stevenson University (f/n/a: Villa Julie College) and extensive graduate work in public policy, law, organizational counseling/employee assistance, substance abuse and addiction from the University of Baltimore's School of Business and Law, as well as The Johns Hopkins University. Moreover, Ms. Waldhauser received certification status from the University of Maryland, School of Social Work as certified international employee assistance professional.

As an International Certified Employee Assistance Professional and Certified Wellness Inventory Coach, Ms. Waldhauser is trained and/or certified in the following areas: Mediation and Conflict Resolution, Divorce Mediation Skills, Grief Counseling, Substance Abuse Professional/Federal DOT regulations for Substance Abuse Professionals; Wellness Inventory Facilitator and Coach; Suicide Prevention and Crisis Intervention (trained in Critical Incident Stress Debriefing by Jeffrey Mitchell, the developer of the process). Moreover, Ms. Waldhauser received executive certification from the University of Notre Dame, Mendoza College of Business for Nonprofit Fund Development and Grant Writing.

In addition to her education, Ms. Waldhauser has more than 20 years of law office experience in the small firm/solo environment. She has written numerous articles that have been published in legal journals throughout the country; speaks to the judiciary and attorneys on problems and solutions regarding quality of life in the legal profession and lawyers' assistance program specifically and was executive producer of the DE-LAP PODCAST Attorney Buoyancy. Today, Ms. Waldhauser continues to speak, as well as write articles/columns upon request on quality-of-life issues within the scope of the legal profession.

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Procrastination

Or

Stop Procrastinating and Start Doing: How
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Be The Best You Can!

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DE-LAP

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3. Great Expectations vs Small Expectations– Coping with Procrastination takes work and time using baby steps not big steps.

4. Breaking Free from the Patterns of Procrastination and Start Doing – Unleash Your Productivity Potential.



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CHANGE

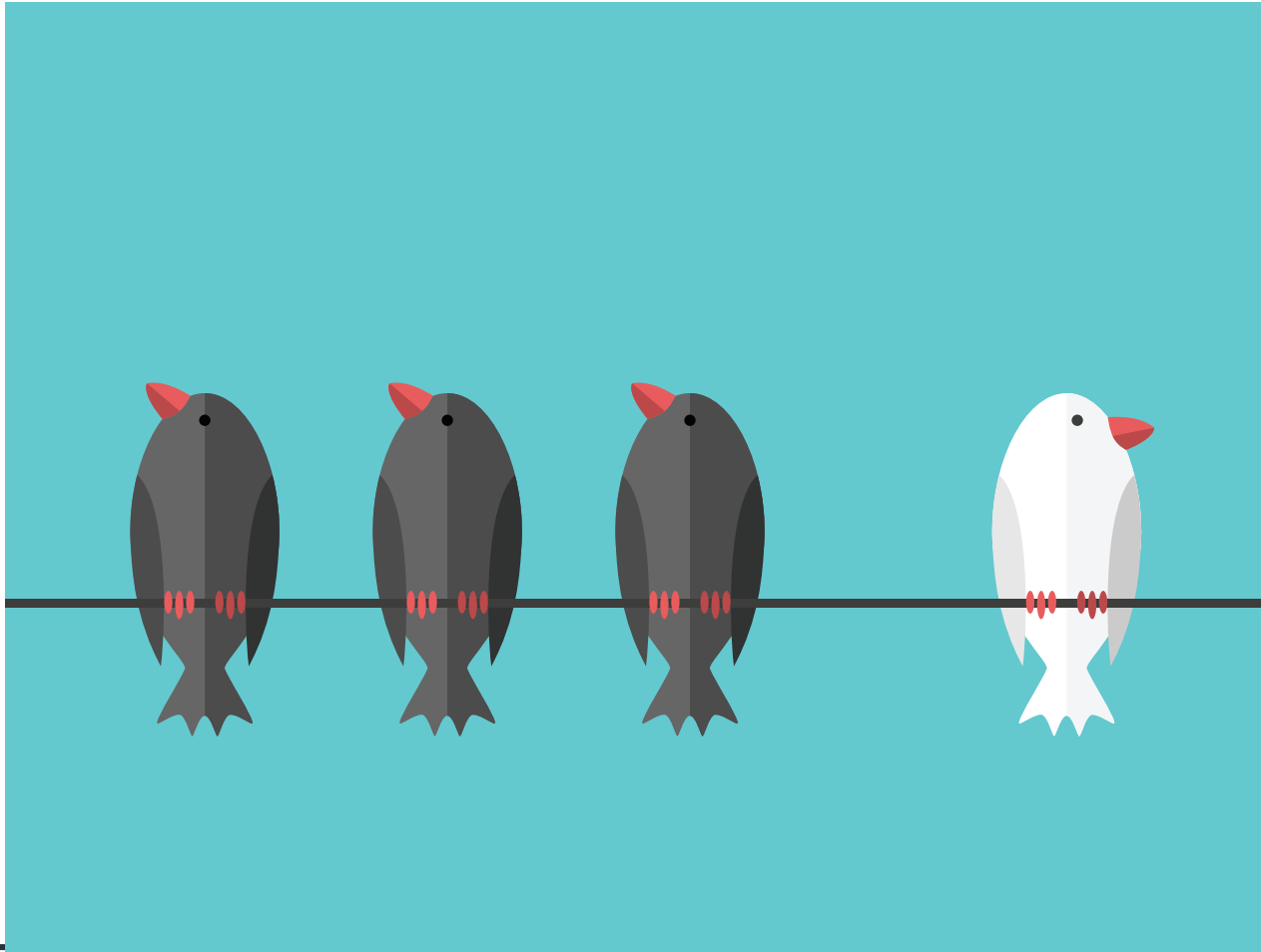
LOVE IT

FEAR IT



4. Breaking Free from the Patterns of Procrastination and Start Doing – Unleash Your Productivity Potential

REMEMBER YOU ARE UNIQUE – FIND WHAT WORKS FOR YOU!



**And take baby steps to
change....**

DE-LAP



- **Confidential assistance for judges and lawyers.**
- **Confidential assessment, referral, support and guidance**
- **Peer assistance is at the forefront of the program: lawyers helping lawyers/judges helping judges**
- **PRIVATE: (302) 777-0124**
- **E-mail: cwaldhauser@de-lap.org**
- **www.de-lap.org**

Me sitting and doing nothing because
I have too many things to do



Me doing anything other than
the thing I need to do

