Law Claims is offering practitioners the opportunity to participate in a series of “Risk Management Intensive Days”, with a particular emphasis on the electronic delivery of legal services. With the growing demand from clients for practitioners to deliver legal services in electronic form we are already receiving claims against practitioners arising from the delivery of legal advice in this form. It is therefore important that all practitioners feel competent to manage their practice in light of this growing trend.

The Risk Management Intensive Days will include presentations and training by specialists in the fields of regulation in the Information Age, technology, risk management and legal practice.

The sessions being offered will include:

**Technology and e-Risk in Practice**

- identify key vulnerabilities and risk factors
- provide an overview of current regulatory responses to technological change
- identify challenges and opportunities arising from modern technologies

**Data Management and e-Discovery**

- identify critical issues for modern legal practices and their clients in data management
- review recent cases relating to document retention, discovery/disclosure, protocols and the admissibility of digital documents
- review the new Federal Court Practice Note on e-Discovery

**Insurance and Torts – The State of Play**

- review recent significant cases and developments in the law of torts and insurance law
- highlight some of the judicial and legislative trends in the liability of professionals, including lawyers
- consider the importance of effective risk management strategies for legal practitioners and commercial operations
- identify some of the impacts and benefits of a technology-based approach to legal practice

This month, Law Claims has reproduced, with kind permission, an article called “E-Stress” which was first published in the April 2002 edition of *In Sight* which is produced by the Oregon Attorney Assistance Program. The article was written by Mike Long, OAAP Program Attorney.
E- Stress

In a recent survey of 800 corporate executives in Great Britain done by the Institute of Management, pressure to keep up with emails came in tenth in the workplace stress top ten list. It was also cited as significantly contributing to the top two workplace stressors: (1) constant interruptions and (2) deadlines. Researchers at Carleton University and the University of Western Ontario studied 2,437 government employees. Most of the workers surveyed cited the demands of email as the biggest culprit in job stress. The Institute of Management survey proposed that one of the primary reasons email contributed directly to workplace stress was because its near-instantaneous speed drove executives to respond with equal speed.

Top 10 Workplace Stressors

- Constant interruptions
- Deadlines
- Poor Communication
- No support
- Managers with inadequate skills
- Meeting overload
- Office politics
- Modernisation
- Getting incorrect information
- Emails

In their book, TechnoStress, psychologist Larry Rosen, Ph.D. and Michelle Weil, Ph.D. suggest that we ask ourselves the following question:

- How often do you check your email and voicemail during the day?
- Do you have to respond to every voicemail you receive?
- Do you feel compelled to respond to every email you receive?
- Does an email have less or more immediacy than a fax?
- Must you respond to an email or fax right away, or can it be added to your stack of “to do” papers?

Some lawyers believe that to be competitive in today’s legal market they must offer their clients 24/7 responsiveness. They do not feel empowered to establish the parameters or expectations of the attorney-client relationship. Instead, they believe they must provide almost unlimited professional availability to attract and maintain clients. As part of this approach, lawyers find themselves inviting clients to communicate with them by email and by cell phone when they are out of the office. This results in telecommuting from home on nights and weekends at an ever increasing rate. Although the clients may enjoy the benefits of this 24/7 relationship, it comes at great cost to the lawyer’s ability to sustain a healthy life and career. A healthy and long term legal career is more like a marathon than a sprint. The 24/7 approach to client relationships works in the short run, but it results in professional burnout in a relatively short amount of time. If your goal is to have a long and successful career, you may want to add controlling the use of email and other communication technology to your training bag. Otherwise, they may drag you down and out of the race.

Rosen, Weil, and others studying the relationship between information technology and stress make the following suggestions:

- Advise clients how you prefer to be reached. If a client asks for your email address, but you don’t check your email often or prefer not to communicate with clients by email, tell them it is not the best way to reach you.
- At the beginning of the attorney-client relationship, let the clients know what timeframe you use to respond to urgent and non urgent requests for service.
- Allow yourself sufficient time to develop a wise and informed response before responding to client questions and requests.
- Turn off the instant messaging system that alerts you to a new email.
- Give yourself solid, uninterrupted time to work.
- Check your email periodically, not compulsively.
- Don’t save huge numbers of emails to review or consider responding to at a later time. If it’s not worth dealing with now, it may not be necessary later.
- Create boundaries between your personal and professional life. Take time off from work.

For any queries about this, or other Risk Management Services offered by Law Claims, please contact the Risk Management Assistant, Jessica Guare, on 8410 7677.