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The Magazine For The Legal Professional | March/April 2021



The Swinging Pendulum of Work-Life Balance

See page 20

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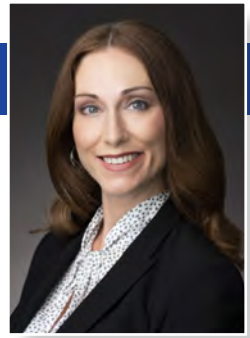


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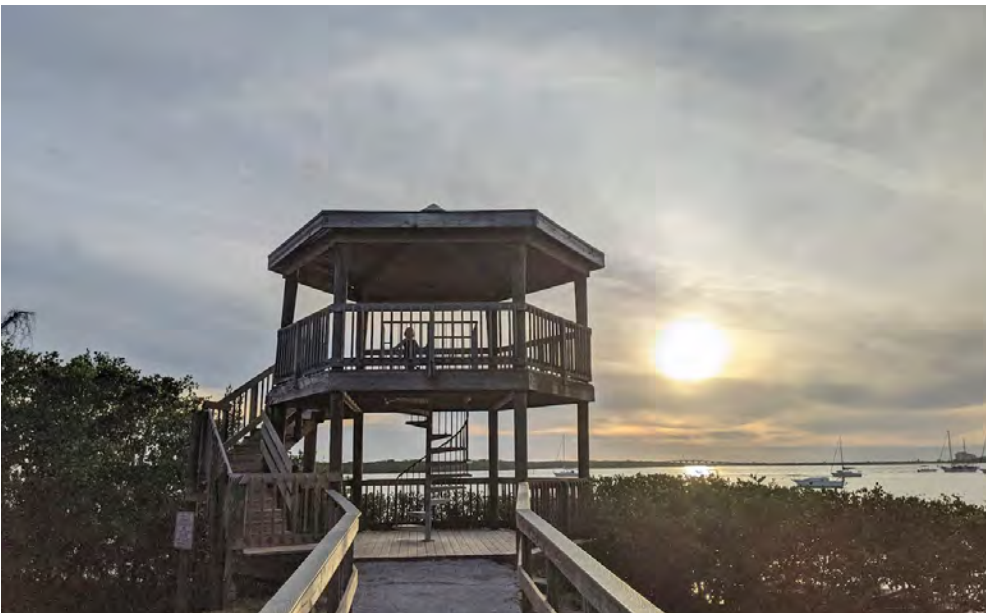
By Shannon Zetrouer

Happy wellness issue SPBA members!

As you are reading this, we are in the midst of both my favorite time of year in Florida and my favorite issue of the *Paraclete*. The two coincide nicely as outdoor time is at the top of my wellness list. The more time I have outside, in the lovely weather, the happier and healthier I feel. I hope you all enjoy the outdoor opportunities our beautiful part of the world has to offer this time of year, as well as this issue.

some insight into those parks, which are certainly worth a visit. Additionally, my family has taken to biking the Pinellas Trail more, and I'll share my experience biking from Demens Landing in downtown St. Pete to downtown Gulfport. Spoiler alert: it's great and it only takes 45 minutes!

Maximo Park is a 70-acre oceanside park on the south side of St. Pete,



In the spirit of both wellness and days with an average high of 72 degrees, I will offer you some of my thoughts on a few new-to-me and wonderful outdoor experiences here in St. Pete. As a parent, I have found that my kids and I (my husband is pretty much happy no matter what, so he's excluded from this statement) are happier when our Saturdays and Sundays have as much time outdoors as possible, preferably in the morning and at sunset. A few issues of the *Paraclete* ago, I offered various challenges to our readers and I have engaged in several myself. One of those challenges I'm partaking in is trying to visit all of the parks in St. Pete. So, pursuant to that challenge, I have recently visited Maximo Park and Abercrombie Park, and I will offer you

located where Boca Ciega Bay joins Tampa Bay. The park has a covered playground, beach, boat ramps, an Indian midden site, a two-story wooden lookout, frisbee golf, bike trails, covered picnic shelters, and large grassy areas that are perfect for running the energy out of children or dogs. There are great views of the sunset and clean restrooms available as well. Some of the picnic shelters have grills that can be used and there is also ample area for putting down a picnic blanket or hanging a hammock between trees. My kids loved hanging out near the two-story lookout (see photo), trying out frisbee golf, and picnicking under the trees. Other people at the park were enjoying playing fetch with their dogs, using the playground (this was a little too crowded for our

comfort level), and getting out on the water from the boat ramps. The beach area would be a great place to push off on a paddle board or kayak, and some people were taking advantage of that as well. Overall, I highly recommend taking a trip to this park, which is the largest of St. Pete's four archaeological sites. I suggest going around 4:00 P.M., bringing something to grill (don't forget the charcoal!) or eat, and staying through sunset. Maximo Park is exit 16, which is the last exit before you go over the skyway. Enjoy!

Abercrombie Park is in an area of St. Pete known as "Jungle Terrace." Abercrombie Park is a waterfront park that offers one of my favorite opportunities—a beautiful sunset view. Abercrombie Park has lots of trees, a lovely waterfront area, boardwalks, picnic tables, and another historic Indian midden. Our kids easily spent 2.5 hours enjoying this park after having a morning snack at a picnic table looking out over the water. We saw birds, squirrels, a racoon, and dolphins during our morning at the park. There's a very small beach area with mangroves and several great areas for sitting down to enjoy a snack, drink, or just taking a moment to relax. Abercrombie Park, like most of St. Pete's parks, is open 30 minutes before sunrise and closes 30 minutes after sunset. Abercrombie is at the intersection of Park St. and 38th Ave. N. on the water. It's definitely worth a visit.

If you like to bike, I highly suggest you head out on the Pinellas Trail. Specifically, try biking from downtown

St. Pete to downtown Gulfport. It's a perfect ride and there are plenty of opportunities to incorporate a bite to eat or even a stop at a brewery into your trip. We parked at Demens Landing downtown St. Pete. There was parking for two or three hours. I recommend parking in one of the three hour spots if you want to have time to bike to Gulfport, grab a bite to eat, and bike back at a leisurely pace. A leisurely pace is necessary for me when I'm towing a child, which is most of the time. Demens Landing is another waterfront park with picnic areas, great views of the pier, sunrise or moonrise, boat ramps, and restrooms. Once you park at Demens, you can bike right across the street and hop on the Pinellas Trail. As you bike through downtown, it's not immediately obvious you are on the trail, but if you're on a bike path heading straight across the street from Demens, you're heading in the right direction! It will take you down First Avenue South. Right around Tropicana Field, the trail will curve south and it

will be more obvious you are on the actual trail. You will pass the old train station, many murals and have a nice mix of shade and sun. There is one overpass that will make you use a little extra energy heading up and enjoy the ride down on the other side. You will pass many playgrounds, which may be useful if you have young children. If you are following my advice and heading to Gulfport, watch for the left turn after you pass 49th St. There will be an arch with a sign welcoming you to turn left, leave the trail, and head to Gulfport's waterfront district. Once you turn left, just keep heading straight until you cross 22nd Ave. South. At that point, you can bike through the park with art exhibits and it will take you straight into the waterfront district. This area of Gulfport has great restaurants, coffee shops, festivals, a beach, parks, etc. There are plenty of great opportunities to spend a whole day. If you want to stay for a whole day, just remember to park your car somewhere where you aren't limited to three hours.

I hope you enjoy some of these new finds for me and find new ways to embrace wellness in 2021. We are spoiled with Florida winters. I encourage you to revel in it and get outside while other people in the world are shivering and wishing they had 360 days of sunshine!

Yours in wellness,
Shannon

Shannon L. Zetrouer is a partner of Zetrouer Pulsifer, PLLC. After obtaining her law degree and M.B.A. from Stetson University in 2005, Ms. Zetrouer focuses her practice on real estate and consumer protection matters. Her passion for law is only superseded by her love for her children, Ariana Sol and Austen Lee, and her husband, Trevor. As a Florida native, she takes full advantage of 360 days of sunshine by boating, enjoying live music and exploring her hometown, St. Petersburg.

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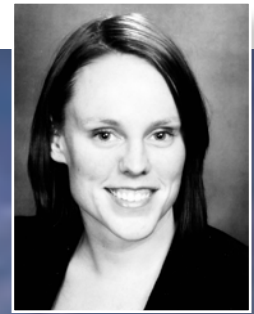
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Wellness and the Great Outdoors: Camping Escape at Fort De Soto Park

By Mary J. Howard



Living in Florida, we are fortunate to be able to enjoy the outdoors in pleasant weather nearly year-round. At a time when we are social distancing and avoiding crowds and the indoors, spending time in nature is an excellent way to boost your mood, refresh, and reset. A favorite way of mine to enjoy the outdoors is camping, and we have a wonderful campground in our own backyard at Fort De Soto Park.

A Pinellas County park, located in Tierra Verde, Fort De Soto Park offers not only camping but also a dog park including a dog beach, ferry service to Egmont Key and Shell Key, a boat launch, paved and unpaved trails, and an historic fort to explore. You can also rent or bring your own kayak or stand-up paddle boards.

My husband and I own a 20-foot travel trailer and bring our hound mix Mabel along when we visit. We frequently invite friends or family to join us, and we always make sure to rent a fire pit from the camp store. We plan out and prep our meals in advance,

although if you were adventurous you could attempt to catch your dinner off the back of your campsite if you have a waterfront campsite. Spending quality time outside with family and friends provides a much needed change of pace and change of scenery for the whole family.

There are 238 campsites that allow tents, vans, pop-up campers, larger trailers, and RVs, some of which back up to the water. There are also pet-friendly campsites available. Each site is equipped with a picnic table, grill, water, and electricity. There are restrooms with showers and laundry facilities located throughout the campground and play areas as well. There is also a camp store that rents bicycles and fire pits and sells food or any other goods you may have forgotten.

Reservations can be made online through the Pinellas County Parks website up to six-months in advance, but Pinellas County residents may make reservations up to seven-months in advance. If you are unable to find an available site, check the website on Friday mornings. The park typically holds back ten percent of sites for the weekend and week ahead.

Mary J. Howard is a Senior Attorney with the Agency for Health Care Administration, the state agency responsible for the administration of the Florida Medicaid program, licensure and regulation of Florida's health facilities and for providing information to Floridians about the quality of care they receive.

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Digital Wellness – 2021



By Mercy Roberg

In the famous Dolly Parton song, 9-5, the lyrics start off:

Tumble outta bed
And I stumble to the kitchen
Pour myself a cup of ambition
And yawn and stretch and try to come to life...¹

I imagine if she had written that song today, it would go something like this:

Stay in bed, grab my phone
Scrolling through the memes
Checking in on Teams, losing my ambition
And yawn and stretch and try to come to life...

Digital wellness is now something even colleges are taking a close look at. The University of Washington has an entire website dedicated to Digital Wellness 101. The information outlined and how it relates to young adults is fascinating.

A few quotes straight from the University's website:

"Social media has been described as more addictive than cigarettes or alcohol... so what does it do to your mood? Here's what the research tells us..."²

"While using social networks helps many people feel more connected to peers, more free in their self-expression, and more aware of others' experiences, others experience intense envy and may have greater struggles with depression, low self-worth, and other mental health challenges."³

"The connection digital technology provides is more superficial, and it interferes with deeper, more meaningful connections," explains Jeremy McCarthy, chair of the Global Wellness Institute's Digital Wellness Initiative.⁴

Another great article in the *New York Times*, titled *Do Not Disturb: How I Ditched My Phone and Unbroke My Brain*, delves into how one gentleman realized he had a problem and sought professional help.

My symptoms were all the typical ones: I found myself incapable of reading books, watching full-length movies, or having long uninterrupted conversations. Social media made me angry and anxious, and even the digital spaces I once found soothing (group texts, podcasts, YouTube k-holes) weren't helping. I tried various tricks to curb my usage, like deleting Twitter every weekend, turning my screen grayscale and installing app-blockers. But I always relapsed.⁵

Nomophobia is the fear and anxiety of being away from mobile phones and some experts are calling for the issue to be added to the bible of psychiatry, the *Diagnostic and Statistical Manual of Mental Disorders*.⁶ Today, with work being online, court being online, and social life online, it is no wonder people are attached to their phones, laptops, and tablets. The trick is to make sure your brain recognizes when it needs a break from the digital world.

You may have excellent digital wellness habits, but for those of us who need a little reminder, review the Do's and Don'ts chart on page 11, and check out the website and article mentioned (yes, they are in digital format). Then put down the phone, laptop, or tablet and maybe turn on the radio, or grab a printed newspaper. You might just find your eyes and your brain, thank you for it!

Mercy Roberg is the Director of Operations and a staff attorney at Community Law Program. She works primarily in the areas of landlord/tenant and family law. Ms. Roberg is a graduate of Stetson University College of Law and the University of Florida.



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DO

- Take regular breaks from the screen.
- Start and end your day without electronic devices.
- Buy a traditional alarm clock.
- Turn off notifications, or reduce the amount of notifications.
- Manage your social media, carve out specific times to view social media.
- Designate family electronic time – this means everyone is on electronics at the same time (phones, computers, or tablets), then everyone is off the devices at the same time – allowing for family interaction.

DO NOT

- Sit for more than one hour – this is a good reminder when you are in a mediation or deposition on Zoom, give everyone a comfort break.
- Take your phone to bed with you. Try to put it on the other side of the room or better yet, in another room.
- Use your phone's alarm clock.
- Leave all notifications on for all apps.
- Constantly check your social media every time a new notification is sent.
- Regulate your family electronic time if you are not regulating your own electronic time.⁷

1. Parton, D., 1973. 9 to 5.
2. <https://www.washington.edu/studentlife/digital-wellness-101-sr/>
3. *Id.*
4. <https://www.health.com/mind-body/digital-wellness>
5. <https://www.nytimes.com/2019/02/23/business/cell-phone-addiction.html>
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7. <https://www.learningtobefree.com/2020/04/07/digital-wellness/>



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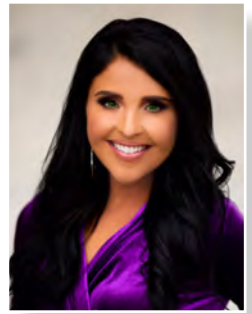


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10 Wellness Practices to Avoid, Prevent, and Overcome Burnout



By Danielle Laura, M.A.

Burnout among lawyers is common; as rewarding as your career is, it can be mentally, emotionally, physically, and even spiritually taxing. The good news is, there are tangible ways to avoid, prevent, and even overcome burnout to ensure your mental health is a priority, allowing you to continue to serve from a full cup.

There are many signs of burnout, but the most prevalent include feeling mentally taxed, disconnected from emotion within yourself and other relationships, detachment, difficulty concentrating, self-medicating, no work-life balance, feeling “stuck”, and always stressed, which may lead you to respond in ways that are atypical for you.

Implementing these practical tips will equip you with the tools that can help maintain overall wellness and prevent the burnout cycle.

Create your core truths, values, and beliefs inventory.

This is going to be beneficial in avoiding burnout because once you know these core truths, you’ll be able to easily discern what is aiding to your wellness, or detracting from it and leading to over-extension, a precursor to burnout cycles.

To do this exercise, write down on a piece of paper what beliefs and values are true for you across the following domains of your life: mentally, emotionally, physically, and spiritually.

For example, a value you may hold true physically is to eat healthy and workout three times a week. A value you may hold true emotionally is to feel excited in your life, relationships, and career. Go through each category and

do a brain and heart dump until nothing else comes up.

Look at the list and notice any gaps in your core values versus how you’re currently living your life. Wherever there are gaps, come up with an easy-to- implement action plan to ensure they align.



Establish strong boundaries.

What boundaries do you need to implement in order to maintain living in alignment with the above values that are true for you? This may look like unplugging from work after a certain time, turning off your electronics, protecting family time, having your workouts or fun scheduled, etc. Write these down so you see them daily, which will start to train your subconscious mind of how important they are.

Keep internal commitments.

Make an internal commitment with yourself that nothing is going to come in between your boundaries, and stick to it. If you need to find an accountability partner to help hold you to the healthy boundaries, do that.

Understand your energy. Are you an extrovert or introvert? How many hours of sleep do you need in order to function at your very best? When you understand your energy needs in order to thrive, you’ll be in flow with those natural rhythms that help to prevent overwhelm or depletion that leads to burnout.

For example, if you’re a night owl, honor your natural energy pattern rather than fight it; you’ll actually get more done, with greater potency, in less time, when you work in tandem with your natural rhythms.

Similarly, if you’re an introvert, meaning your energy recharges when you have alone time, make sure you’re honoring what your energy needs in order to show up at the fullest capacity of yourself in each domain of your life.

A vehicle can’t run without fuel, and neither can you. Let’s relate your energy levels like going on a road trip. You wouldn’t possibly think of making a cross country road trip without stopping for gas—you would never make it to your destination, so you factor in pit stops along the way to ensure you get there. Your life is the exact same way; taking time to refuel your energy isn’t a luxury, it’s a necessity.

Practice the 4-7-8 breathing technique anytime you’re starting to feel overwhelmed. To do this, breathe in for 4 seconds, hold the breath for 7 seconds, then exhale for 8 seconds. Do

this 5 times, as it increases oxygen to the brain, increases blood flow, and has calming and recentering effects on the mind and body connection.

When we're stressed, our body is in fight-or-flight mode, and this helps regulate the nervous system so we can gather our thoughts and become grounded again.

Journal. After the rounds of breathing, journal anything that comes to mind—this can be an emotion, thought, belief, anything at all. This process activates our self awareness and emotional regulation, which are key components to the prevention of burnout.

Meditation. Giving yourself as little as five uninterrupted minutes per day to a guided meditation, or listening to a binaural beat such as 528 hertz, is a phenomenal way to center your energy, help with relaxation, and de-stress.



Create a gratitude jar.

Create a gratitude list for the things you have and are thankful for; this helps shift the

energy in the body as well as mental states. You can write these gratitudes on a piece of paper and put them in a

jar or box, and whenever you're feeling stressed, pull out a card to increase joy and serotonin levels in the brain.

Incorporate creative outlets.

Incorporate a creative outlet into your daily routine; this can be anything that takes you out of your head and gets you back into your heart and body. This may look like dancing, painting, photography, creative writing, going for a walk, etc. and gets you into your "happy place." Having regular creative outlets helps to minimize stress levels.



Revamp & Redecorate. Put a new spin on the area you work from most, by decluttering, reorganizing, and even redecorating. This is going to help bring in new energy to the space and make it feel lighter and brighter, like a fresh start! You don't have to go crazy here,

simply moving the furniture around, and getting rid of old things you don't need anymore is a great start. As a bonus, donate any unwanted items so you're helping someone else in the process, which raises your vibration.

Aim this week to incorporate at least one of these burnout prevention tools into your day every day for the next seven days, and take an inventory of how you feel. As the high achiever you probably are, I bet you'll incorporate more in no time. Remember, a vehicle can't run without fuel, and neither can you.

Danielle Laura is a two time number one bestselling and award-winning author, communication and relationship expert for mission driven companies, and founder of the H.O.T. Method™. In her private work, she guides thought leaders, celebrities, and heads of companies around the globe in igniting their innate gifting so they can master their mission, amplify impact, and experience deep connection and fulfillment. A recognized authority on communication, relationships, and self-mastery in business, Danielle has been featured in over 30 international publications and podcasts, including Authority Magazine, HuffPost, Reader's Digest, Thrive Global, and more.



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The Anatomy of a Scam

{Thank you to SPBA Annual Diamond Sponsor The Bank of Tampa for providing the article below.}

Law firms are tempting targets for fraudsters because they possess a wealth of information. As attorneys, it's important to know exactly how to spot and avoid scams, so you can properly protect your firm and educate your clients.

Think it can't happen to you or your firm? Sadly, no firm or business is immune to fraud attempts.

The Scenario

Fraudsters are running an online job scam where they post jobs on popular websites looking for individuals to expand their administrative team. The individual gets paid for their administrative work by keeping a share of check payments



they receive and sending the remaining to their "employer." Except the company is fraudulent, and the checks they are depositing contain the routing and account number for your law firm. To make matters worse, by the time you realize that fraudulent checks were being written and deposited from your firm, thousands of dollars in losses have already occurred. How could this happen? Well, there are many ways fraudsters can get their hands on your account information and create fraudulent checks. After an investigation at your firm, you learned that through a phishing scheme, a key logger was added to an employee's computer. When that employee communicated with your bank, fraudsters were able to capture your bank information and started manufacturing checks with your firm's account information.

Recognizing Common Scams

Of course, the example above is just one of many schemes. We see everything when it comes to fraud attempts. Below are a few common examples of fraud:

Businesses, including law firms, and individuals are frequent targets of phishing schemes. According to the FBI, phishing is usually the culprit when malware (malicious software) is found on a computer. At one time, malware was most commonly placed on a computer when an individual opened an infected attachment, but today, we see fraudsters

By Roxanne Chance-Chin



employ comprehensive social engineering plots to trick recipients into giving them information and access, enabling them to fully infect systems.

Business Email Compromise (BEC) is booming. In fact, according to the FBI, BEC scams account for more than \$700 million in businesses losses each month. In BEC scams, fraudsters target businesses that frequently process legitimate requests to transfer funds (for example, they use an Automated Clearing House to pay vendors). Fraudsters pose as a known client or vendor by spoofing an email address and request that the business change the account where funds are to be received. Once the funds are sent, the attacker will shut down the account or move the funds into a new account so the business can no longer recover stolen funds.

Another common scam we see impacting businesses is ransomware (malicious software or malware), which fraudsters use to obtain access and take over a company's website or business account by holding it for ransom. Ransomware can occur inadvertently when it's downloaded to a computer by clicking on an online ad or link, opening an attachment, or, in some cases, going to a website where the malware has been planted. Once installed, the malware will freeze your computer and communicate the ransom. Some malware will go as far as to encrypt the files on your computer, and even other computers or devices on your home or office network.



Avoiding Scams

There are steps you can take to protect your firm and your clients from fraud attempts. Proper security software should always be updated on employees' phones and computers. Additionally, you should train your employees (and clients) on fraud detection and prevention. They are usually the first line of defense against scams. The Bank of Tampa encourages businesses to implement protocols and verification processes aimed at discovering fraud attempts early and stopping them before they occur.

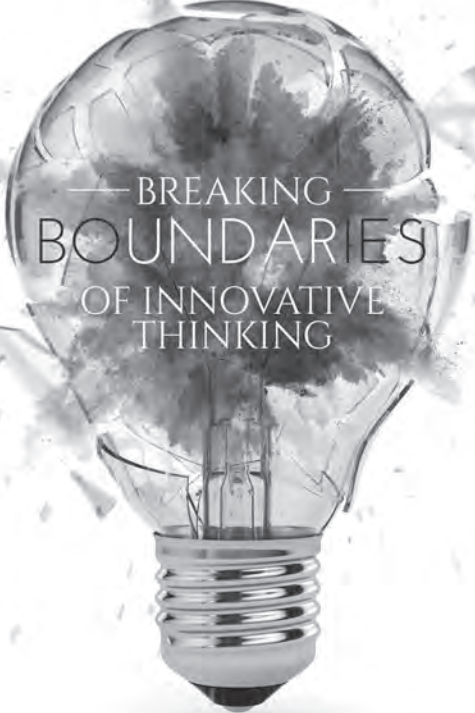
For example, one of the best ways to prevent check fraud is to use a service known as Positive Pay. Through Positive Pay, you proactively notify your financial institution of checks issued, allowing them to confirm transactions when presented for payment. Without Positive Pay, unauthorized items are often identified during reconciliation, long after the funds have been stolen. Recovery opportunities can vary dramatically based on timely reporting and other factors.

Reporting Scams



If you believe your business has been a victim of a scam, notify your financial institution and local law enforcement immediately. For more information and to connect with The Bank of Tampa's team of fraud experts, please contact Dianne Cohrs, Private Relationship Manager at The Bank of Tampa's St. Petersburg office by calling (727) 502-8445.

Roxanne Chance-Chin serves as BSA Officer and Fraud Investigations Manager at The Bank of Tampa. Chance-Chin has more than 20 years of banking experience, thirteen of which have been specifically focused on bank regulations and governance. Chance-Chin holds a Bachelor of Science in technology management, as well as the Certified Anti-Money Laundering Specialist (CAMS) designation. She is also a graduate of the Tampa Homeland Security Investigations Citizens Academy.

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The Swinging Pendulum of Work-Life Balance



By Cynthia G. Hawkins



“American workers—especially those in white-collar professions—are working longer hours. Women are often the default chore-doers and child tenders, even in relationships that strive for egalitarianism. ... Balancing work and life is such an act of subversion, of resistance, that it’s really difficult for individuals to do... The fear is you’ll be overlooked by your overworking bosses and seen as a threat by everyone else.”¹

The struggle for work-life balance is real. The stay-at-home orders, work-place closures, and social distancing caused by the nearly year-long COVID-19 pandemic have made this goal monumentally more difficult. COVID swept into the US in January 2020. By March, there was a national shut-down. By late June, 42% of the US labor force was working from home full-time. Studies have shown that when working from home, employees have spent an average of 3 hours per day longer on work-related tasks.

Working from home has become overly-taxing: an April 2020 survey of 1001 employees found about 45% of workers said they were exhausted or burned-out. Nearly 50% attributed the strain to “an increased workload, the challenge of juggling personal and professional life, and a lack of communication and support from their employer.”² Researchers warn that “whatever boundaries remained between work and life have almost entirely disappeared.”³ 66% of human resources professionals surveyed by the Society for Human Resource Management report that

it has been difficult to maintain employee morale during COVID. The Institute for Employment Studies (UK) has published interim results from a COVID-related survey showing: 64% are losing sleep due to being worried; 60% suffer from fatigue; 50% were unhappy with their work-life balance; 48% reported working long and irregular hours; and 33% frequently felt isolated working from home.

Even more troubling statistics have been reported. The on-line employment finder Monster reported in July 2020 that 69% of at-home workers were experiencing burnout. This was a 20% increase from a May 2020 poll.

Dissatisfaction can be directly attributed to the resultant destruction of work-life balance when one is “forced” to work at home. For those workers who don’t have the luxury of a dedicated work space or have child care responsibilities – there’s no recognizable beginning and end to the work cycle. An additional strain is the looming specter of lay-offs. As the US economy stuttered and halted in March 2020, 20.6 million jobs were lost from March to April 2020 – yielding a 14.7% unemployment rate. Another 10 million jobs were lost from April through May 2020. These losses equate to approximately 25% of all jobs in the US. An unfathomable number to say the least.

Overwork has documented physical consequences. For example, working more than 55 hours per week raises the risk of heart attack and stroke, creates a tendency

to be more anxious and depressed, and undermines sleep patterns. Of equal significance, when a person is in a state of “tunnel-vision busyness,” their IQ drops 13 points.⁴

To understand work-life balance and wellness more clearly, I surveyed my faculty colleagues at Stetson University College of Law (SUCOL). Of the approximately 90 tenured, tenure track, and adjunct professors, 46 completed the survey (a little over 50%). 61% (28) of the respondents were female; 37% (17) were male; and one person preferred not to answer. When asked to define wellness, 46 faculty members gave 44 different answers. Here are two of the most compelling responses showing the interplay between work-life balance and wellness: “Wellness means a state of contentment in the balance of physical, mental, spiritual, and emotional health across all life spectrums including family, work, friends, organizations and self-care;” and “Wellness is having a balance between work life and family.” It is hard to achieve this as a lawyer. I am working too much and gaining little along the way. Work is constantly with you by phone, email, and in-person conferences during this quarantine.

However, the results to the most substantive question were somewhat surprising. When asked “Have you achieved an appropriate work-life balance?” 26% (12) answered “Yes, definitely;” and 41% (19) answered “Sort of.” This indicates that 67% are very positive regarding their work-life balance.

These SUCOL statistics turn inside-out the results of a 2019 survey conducted by Groupon that found 60% of adults had a difficult time maintaining a work-life balance. Specifically, 46% reported not

having time to relax; 33% complained that they worked too hard; while 38% proclaimed that they worked too many hours; and 60% insisted that there were not enough hours in the day to complete their tasks—they needed an additional 3 hours and 54 minutes per day to complete all work-related tasks.

One could posit that the SUCOL stats were directly opposite the Groupon findings due to the nature of professorial work. Law professors routinely work from home and (other than class time) are generally able to set their own work schedules. Additionally, perhaps since 63% of the SUCOL respondents were 50 years old and above, the issue of having to contend with young children at home during the pandemic was lessened.

Despite the rather “sunny climes” reported by SUCOL faculty, the legal profession at large continues to struggle with work-life balance and personal burn-out. The 2018 Legal Trends Report found that 75% of lawyers frequently or always work outside of business hours, and 39% of lawyers reported that the extended hours negatively affected their personal lives.

In addition, we have all heard about the 2016 American Bar Association (ABA) Ford Foundation study of 15,000 attorneys from 19 states (12,825 were licensed & employed) detailing substance abuse and mental health issues: 21% were problem drinkers, 28% are depressed, and 19% displayed anxiety symptoms. Attorneys in their first 10 years of practice displayed the highest percentages of issues. Only time will tell whether these statistics worsen during the COVID pandemic.

A residual outcome of the 2016 ABA study appears to be that Millennial Attorneys have a laser-like focus on work-life balance. A 2019 survey by Above the Law found that both male and female Millennial Attorneys view work-life balance as the most important factor in evaluating potential employers.

Importantly, 75% would accept lower pay for either additional time off (26%), a flexible work schedule (26%), or a cut in the number of required/expected billable hours (23%).

The 2020 Legal Trends Report (focusing primarily on the effects of COVID on law practice nationwide) indicated that when lawyers are asked “what is the most important thing in defining their firm’s success”—work-life balance is listed #3 at 17% (following making clients happy (42%); and ensuring job security (18%)).⁵

The end of the COVID-19 pandemic remains uncertain—the rate of infection and deaths are still rising. The vaccination rate is less than optimal. As a result, social distancing, business closures, and working-from-home remain the “new normal.” The question of whether work-life balance is more than a myth or urban legend remains.

However, below are some suggestions (gathered from multiple sources in no particular order) to assist in moving closer to the elusive and constantly evolving goal of work-life balance:

- **Let go of perfectionism.**
- **Prioritize your health.**
- **Make time for yourself and your loved ones.**
- **Exercise and meditate.**
- **Limit time-wasting activities and people.**
- **Set boundaries and work hours.**
- **Unplug. Accept that your inbox is always full and incorporate breaks to step away.**
- **Set goals and priorities (and stick to them).**
- **Take a vacation.**
- **Start small. Build from there. Embrace the Aggregation of Marginal Gains Theory.**

Cynthia G. Hawkins (B.A., Wellesley College; J.D. Harvard Law School) is a tenured full time Professor at Stetson University College of Law. Her areas of expertise are Family Law in general (Adoption Law and Policy specifically) and Professional Responsibility & Ethics.

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Psst... Hey, Lawyers!

A Word from your Staff about Wellness

The terms “self-care” and “wellness” have become such buzzwords in recent years that they’ve almost lost some of their intended meaning. In advertisements, social media influencing, and pop culture, they have become more about ‘treating yourself’ than setting goals, drinking enough water, and getting enough sleep. Still, in the pandemic world we are living and working in, these things are arguably more important than ever.

When you consider your work-wellness, your first thought may not be of your staff, but they should be on your list somewhere. An assistant, after all, can have the power to overcome great challenges for you or create them with

By Erin Schoos



just a few clicks of their mouse. It makes sense (from both a business and humanitarian standpoint) to be an advocate for your staff’s wellness, in addition to yours. How do you know what they need? Ask them! Many of us are helpers by nature, though, and it’s not always easy to ask for help ourselves. So I’ll let you in on some ‘secrets’ that have helped me over the past fifteen-years.

Promote physical activity.

Offer to cover a part of the cost of their gym membership (or streaming service). Most of these are not very expensive, but given the added motivation and accountability, they may be more likely to actually use it!

Walk with them to pick up lunch or a mid-afternoon treat. Everyone wins here!

Recognize weaknesses and engage their strengths as individuals.

Assign things they’re naturally not good at or don’t like to other staff who may revel in it. Personally, I hate making phone calls, but one of my coworkers loves to talk to people. This is an easy and effective adjustment to make.

Encourage them to carve out their own job description. Do they have a particular interest in an area of practice you may not do a lot of business in? Have them take a CLE. Are they good at social media interaction? Maybe they can help you with marketing. Are they great at making the office a fun place to work? Appoint them the chair of the office fun committee. Do they enjoy writing? Have them draft an article for the *Paraclete*!

Establish comfortable boundaries (for both sides).

When is it ok for you to contact your staff (or vice versa) outside business hours or their normal working hours? Dedicated unplugged time is necessary for everyone to maintain a healthy work-life balance.

Encourage using vacation time.

Don’t roll over vacation time from year to year, your staff likely won’t use it. (I may get in trouble for this suggestion, but I know I’m guilty of not taking all my vacation time).

While your staff is on vacation, have someone cover their duties so they don’t come back to a full mailbox and unnecessary stress.

Provide healthy meals and or snacks in the office.

Instead of bringing in doughnuts, get some fresh seasonal fruit to share in the office.

Provide some healthy snacking options (nuts, dried fruit, etc.), instead of stocking junk food in the kitchen.

If you can provide filtered or bottled water service, I find it helps me drink more water and less leftover coffee from the morning.

Of course, every office has a different working environment, and must find what works for them as a team. Making office wellness a priority at the staff and attorney level will benefit everyone’s work-life balance.

Erin Schoos has been a Paralegal (to Shannon Zetrouer) since 2005. She is a seventh-generation native of Florida, mom to daughter, Nola, and wife to Rob. When she’s not in the office, you can find her baking, practicing yoga, or spending time at the beach with her family.

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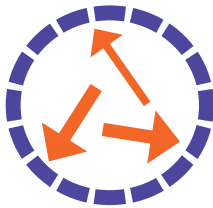
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Family Lawyers & Wellness— Can it be Done?

Within the legal profession, attorneys who practice family law can often be heard saying “Family lawyers see good people at their worst...” Clients are so stressed that they often act in ways that can seem irrational, paranoid, and very emotional. Working with clients who are experiencing what may be the most traumatic event of their life can certainly take a toll on an attorney.

So, what can we do to take care of ourselves and each other to avoid becoming one of these statistics? Can we prevent burnout? In an effort to find some answers, I surveyed around 950 Florida family law attorneys who had great suggestions. Surprisingly, some of the same tips were consistently repeated by many. Here are the seven most commonly repeated tips.

1. Set Boundaries. This applies to boundaries for your clients, but also for yourself. Do not give out your personal cell phone number to clients. Do not check e-mails while you are not working. Do not let work creep into your private time with family and friends. Protect your time. It may feel impossible, but I like to remind myself—if I am willing to fight for my clients to spend time with their children, why shouldn't I fight to spend time with my own?



2. Set Realistic Expectations. Family law clients often feel alone and may feel that they are being attacked by those that they once loved. Clients can lose trust in their own ability to make decisions and look to you for that extra guidance. Even if it is not what they want to hear, tell your client the truth from the outset so that they are not surprised, angry, and disappointed in the end. This will also temper unreasonable demands from clients.

3. Get Away from Work. Travel. Do something to completely unplug. Balance your time to make sure that you do not end up waiting until you



By Autumn N. Hancock



retire and wishing you had not. In 2020 I took ten days off work for the first time in ten years. I was nervous for the first few days and worrying about work. On day four, I woke up for the first time and did not worry about a client. I was surprised at how refreshing it was! I was a better friend, a better mother, a better partner, and even a better lawyer after this time away. And all of my clients survived without me for 10 days!

4. Listen to Your Gut. Look for warning signs with difficult clients. Do not be afraid to decline a case. There is a high probability that you will not regret turning it down but, if the warning signs are there, you may really regret accepting it. There will be another case. There will be another client. And the client you decline will find another lawyer who is a better fit for them.

5. Take Care of Your Body. Make time each day for physical health. This means something different for each of us, but, it is so important. Get enough sleep. Perhaps take one minute each hour to look away from a screen and concentrate on deep breathing. Take a morning run. Go to a spin class. Practice midday yoga. Go for a walk around the block after lunch. Maybe even take a walk during your next phone conference. Several lawyers suggested adding this time to your calendar and treating it like an important meeting—with your health!

6. Connect. Find a mentor (or a few) that you can turn to for advice about your cases, about your business, and about professionalism. Join a family lawyer support group. You must have a community to support you, lift you up, and offer you help when you need it. And you will need it. Do not be ashamed to get professional help if you cannot carry the burden alone. Get plugged in at your local bar association. Do not just join – show up. And keep showing up.



7. Press Pause. This work can be emotionally draining. There are many hard days. We handle

cases involving trauma to children and situations that can haunt us for years. Then there are the other days. We fight for and see families reunited after being torn apart. We advocate for survivors of abuse to get a new start. If we work hard, we have the opportunity to truly change lives. After the worst moments and after the best moments, it is important to pause to absorb how this work changes those around us and how it changes us.

Martha- Irene Weed, Esq., a seventy-year-old Tampa attorney who is board certified in family law and proudly still practicing, suggests that we schedule time to be away from the office within twenty-four hours after a difficult trial or hearing. Ms. Weed also mentioned that the stress of this profession affects her more now than it did when she was younger, so she tries to increase the amount of time off she has as she ages.

Our very own Sarah Chaves, Esq., a longtime St. Pete attorney board certified in family law, offered some great tips that bear repeating. "You will never remember a weekend you work. There is nothing that cannot wait until tomorrow. You must take vacation."

For the remainder of this year, I am going to focus on taking one piece of this advice each month. I may not succeed at it every time, but I know that I will be better for trying. Will you join me?

Autumn N. Hancock, Esq. is the Founder and Managing Attorney at Hancock Law Firm, PLLC in St. Petersburg, Florida. She focuses her practice on Adoption, Family Law, and Alternative Dispute Resolution. Autumn is also a Certified Family Law Mediator. Autumn can be contacted at Autumn@HancockLawFL.com.

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CYBERSTALKING

As the use of social media has increased, it is no surprise that the allegations of cyberstalking have also increased. Florida law allows for an injunction against cyberstalking.¹ There are at least seven objections that are commonly made when the petitioner seeks to introduce electronic evidence against the respondent.

The cyberstalking statute provides that the communication being complained about must harass the petitioner. This has been interpreted to mean that the communication was sent for no legitimate purpose. If the communication was sent for a legitimate purpose then it does not constitute harassment. Therefore, if someone sends multiple text messages to a debtor seeking repayment of a loan, that is not cyberstalking.² Likewise, sending a letter to an investigator threatening to sue her,³ or calling a dance instructor to complain about a daughter's dance team,⁴ does not constitute cyberstalking.

The cyberstalking statute also requires that the communication complained about is being directed at the specific person that is seeking the injunction. Accordingly, postings on one's own social media page do not constitute "directed at a specific person."⁵ Likewise, sending messages to numerous people in the petitioner's occupational association is not directed at a specific person⁶ and sending emails to the complaining party's father is not communication directed to the petitioner.⁷

The cyberstalking statute requires that the petitioner suffer substantial emotional distress. This distress has been interpreted as what a reasonable person in the petitioner's shoes would experience.⁸ Therefore, emails expressing displeasure with a "spoofing schmuck" will not rise to that level.⁹

The fourth objection commonly made regarding electronic evidence is that it is not relevant. However, this objection is rarely sustained since relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to



By William D. Slicker

the determination of the action more probable or less probable than it would be without the evidence. Or, in other words, the test is whether the evidence would reasonably and actually tend to prove or disprove any matter-of-fact at issue.¹⁰

Probably the most common objection to electronic evidence is insufficient authentication. Respondents like to argue that emails or text messages are inherently unreliable because of their "relative anonymity and the fact that, while an electronic message can be traced to a particular computer, it can rarely be connected to a specific author with any certainty. Unless the purported author admits it or was actually witnessed sending the email, there is always the possibility that it is not from whom it claims... Anyone with the right password can gain access to another's email account and send a message ostensibly from that person. However, the same uncertainties exist with traditional written documents. A signature can be forged. A letter can be typed on another person's typewriter. Distinct letterheads or stationary can be copied or stolen."¹¹ Therefore, email messages and similar forms of communication can be properly authenticated within the existing rules of evidence.

Electronic evidence may be authenticated in a myriad of different ways. Absolute proof of authenticity is not required. "The proponent of the evidence needs to establish only a reasonable probability that the document is what it is claimed to be."¹² There may be direct evidence, such as an admission by the author or the testimony of a witness who saw the purported

author typing the message.¹³ However, more commonly, authentication is established by circumstantial evidence. "Circumstantial evidence might include the email address, cellphone number, or the screen name connected with the message; the content of the messages, facts included in the text, or the style of writing; and the meta-data, such as the documents size, last modification date, or the computer IP address."¹⁴ For example, in an incest case, the perpetrator sent text messages to the victim late at night telling her to come to his room because he wanted his "booty." The timing of the messages, together with the specificity of "coming to my room" was sufficient to show that it was coming from someone in the same house and this, together with the victim's testimony that she frequently got such messages from the perpetrator, was sufficient to show that the messages came from him.¹⁵ In another case, because the messages said "Fr: Jen" at the beginning, which was the way the complainant stored the messages from the purported author in his cellphone, and the end of the message which included the purported author's phone number and signature which was "cuzImJenIcan," that was sufficient to establish that the text messages came from the purported author.¹⁶ In another case, where the plaintiff called the purported sender asking him to call her and she did receive a text message from him which came from his phone number, that was sufficient to authenticate.¹⁷ Also, where emails are sent from an account that contained references that are unique to the parties may be sufficient to authenticate an email. For example, where emails sent from the purported email's sender contained references to

“Wheaties” and “Sammy,” which the victim testified were code words that the parties used when talking about methamphetamine, was sufficient to authenticate the email.¹⁸

Sixth, a respondent may object to electronic evidence as being hearsay. However, a party’s own statement is an exception to hearsay because it is an admission against interest.¹⁹ Also, sometimes a statement is offered for some reason other than to prove the truth of what the message said, as in *Giacomantonio* where the messages were introduced to explain why the detective opened an investigation.²⁰

Seventh, a respondent may object that a printout of text messages is a violation of the best evidence rule. However, Florida’s best evidence rule provides that properly authenticated duplicates may be used in place of an original.²¹ Some states have even specifically provided by statute that printouts of data from a computer (and a cellphone is a computer) is treated as an original.²²

If you are representing a respondent, you should review the possible objections to see if any of them apply to your case. If you represent a petitioner, you should anticipate these objections and how to respond to them to show that they do not apply.

William D. Slicker served as a law clerk at both Florida’s Second DCA and Florida’s Fifth DCA. He has received the Florida Bar President’s Pro Bono Award for the Sixth Circuit, the Ms. JD Incredible Men Award, the St. Petersburg Bar Foundation’s Heroes Among Us Award, the Community Law Program Volunteer of the Year Award, and the Florida Coalition Against Domestic Violence Lighting the Way Award.

1. § 784.048, Fla. Stat.
2. *Alter v. Paquette*, 98 So. 3d 218 (Fla. 2d DCA 2012)
3. *Poindexter v. Springer*, 898 So. 2d 204 (Fla. 2d DCA 2005)
4. *Goudy v. Duquette*, 112 So. 3d 716 (Fla. 2d DCA 2013)
5. *Logue v. Book*, 297 So. 3d 605 (Fla. 4th DCA 2019); *Horowitz v. Horowitz*, 160 So. 3d 530 (Fla. 2d DCA 2015)

6. *Scott v. Blum*, 191 So. 3d 502 (Fla. 2d DCA 2016)
7. *Santiago v. Leon*, Case 3D19-0011 (Fla. 3d DCA 2020)
8. *Leach v. Kersey*, 162 So. 3d 1104 (Fla. 2d DCA 2015)
9. *Craft v. Fuller*, Case 2D19-2891 (Fla. 2d DCA 2020)
10. *State v. Thompson*, 2010 ND 10 777 NW 2nd 617 (2010)
11. *In the interest of F.P. supra.*
12. *Smith v. Smith*, 196 So. 3d 1191 (Ala. App. 2015)
13. *Culp v. State*, 178 So. 3d 378 (Ala. Cr. App. 2014)
14. *State v. Koch*, 157 Idaho 89, 334 P. 3d 280 (2014); *Culp v. State, supra*
15. *State v. Giacomantonio*, 371 Wis. 2d 452 (2016 W.I. App. 62, 885 NW 2d 394 (2016)
16. *State v. Thompson, supra.*
17. *State v. Koch, supra.*
18. *Culp v. State, supra*
19. *State v. Thompson, supra.*
20. *State v. Giacomantonio, supra*
21. § 90.953, Fla. Stat.
22. *State v. Giacomantonio, Supra; Steele v. Lyon*, 2015 Ark. App. 251, 460 SW 3d 827 (2015)

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Hate Meditation? Me Too!

When we talk about wellness, we talk a lot about mindfulness and meditation. Traditional meditation techniques that involve bringing the body to a still place are difficult for me because I am far too active of a person and sitting still for long periods of time is not in my wheelhouse. (It might have something to do with my deep and abiding love of all things iced coffee.) However, where I find inner peace, calm, and enter into what I consider a meditative state is in exercise, especially running. I'll be honest, I do not really run so much as maintain a steady jog, which sometimes masquerades as a glorified walk. There's something about the rhythmic slap-slap of my feet hitting the pavement or dirt that creates a feeling of calmness within me. As my run progresses, I often feel the difficulties and joys of a busy practice, family life, and rambunctious new puppy fade into the background and I find a place within the running that is completely within me. I typically do a longer run on Saturday mornings. I find that it helps me set a positive tone for the week to come and makes me excited to go to work and be of service to my clients. Also, the time I spend with my husband, puppy, and grumpy cat is more meaningful and special because I am focused on them and not the worries



By Steven R. Cozzi

of the week, the troubles of the world, and the politics of our day—unless I have run too far and too long and need a nap.

All are welcome to join me for a run whenever we can arrange a time. I love to go to Walsingham Park in Seminole. There is a large lake with a beautiful path that runs for about three miles. The water and trees are calming, although the path can be a little crowded on especially nice days.

If you are feeling a little more adventurous, you can join me for a longer run starting in Safety Harbor and heading to the Causeway Bridge. I love to run to the middle of the bridge and see the Bay stretch for miles. Few things help me realize the smallness of my place in the world than a sliver of ocean. I'm always on the lookout for new places to run and would love for anyone who is as enthusiastic as I am to show me his or her favorite place.

Steven R. Cozzi, Esq., is an attorney with Blanchard Law, PA. His areas of practice include bankruptcy, foreclosure defense, and civil litigation. When not practicing law, Steve can be found in the kitchen trying out a new recipe or at one of the beautiful parks in Pinellas County where he enjoys long-distance running.

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The Community Law Program is a non-profit corporation formed in 1989 by members of the St. Petersburg Bar Association concerned about the civil legal needs of low income residents of Southern Pinellas County, Florida. Over the years, CLP has recruited a panel of approximately 400 St. Petersburg area attorneys who provide free assistance to thousands of people in need of civil legal assistance each year. To volunteer for pro bono service, contact Community Law Program at 727-582-7480.



By Kimberly Rodgers

2020 was undoubtedly one of the toughest years in the history of our world. One silver lining of it all for us is that, out of such unprecedented suffering and challenge, Community Law Program (CLP) has much to be thankful for as we gear up for another year. In this column, I would like to share with you some of the reasons why we are so thankful.

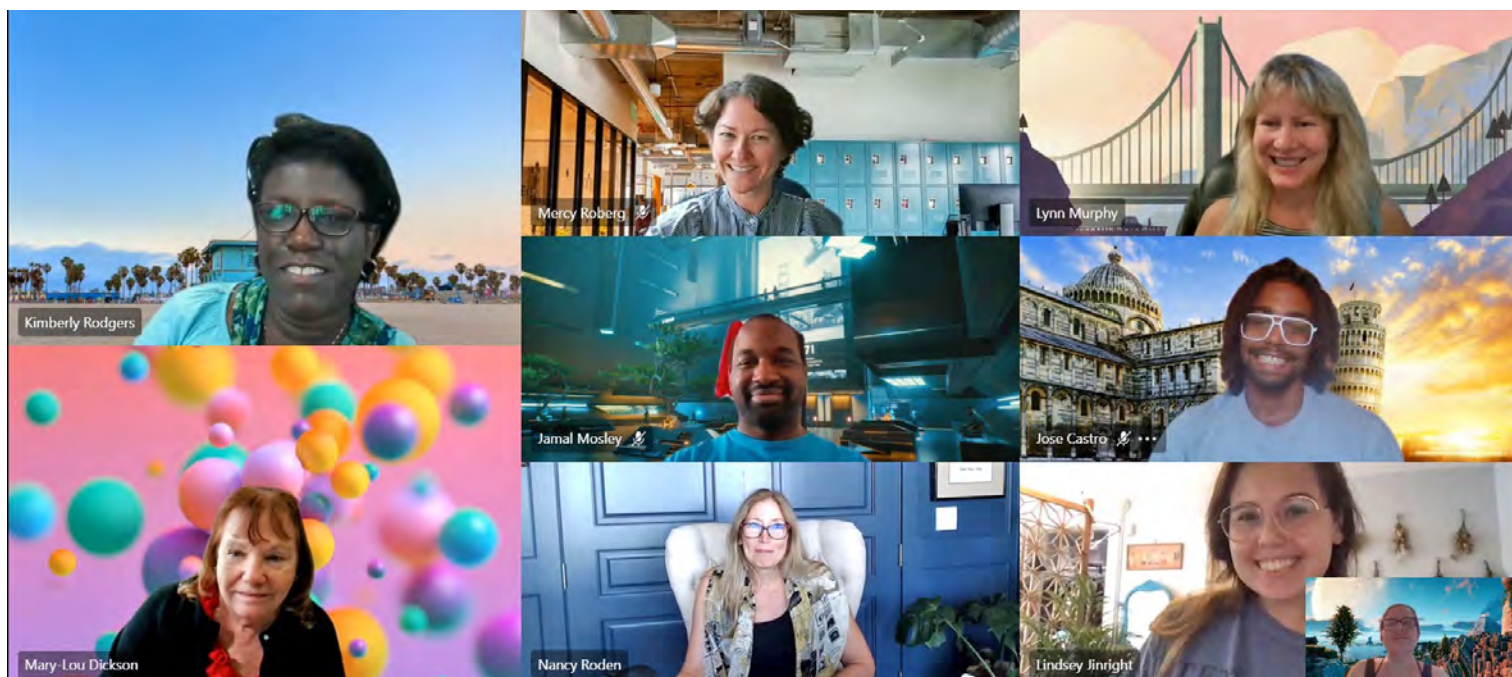
In the November/December issue of the *Paraclete*, we shared with you that we had launched a new project called Pinellas Eviction Diversion Program (PEDP) that offers a number of services designed to help tenants avoid homelessness. The principal service offered by PEDP, which is also a new service for us, is mediation. After we helped the Sixth Judicial Circuit successfully launch a pilot mediation program for eviction cases, COVID-19 necessitated the halt of in-person proceedings, which in turn, halted this program. With funding from Pinellas CARES passed through the Pinellas Community Foundation, we launched PEDP. The project officially started on October 1, 2020, and by the end of 2020, we had helped 279 people. Through our partnership with a local rental assistance provider that was able to expeditiously process payments to

landlords, we helped 149 families access \$459,483.49 to get their past due rent paid up. Also, through our partnership with the Homeless Leadership Alliance of Pinellas, which supplied housing navigators and financial assistance to move, we helped 12 families, whose landlords would not let them remain in their current rentals, move without experiencing homelessness. There are so many people in our community who have suffered incredible physical and economic loss due to absolutely no fault of their own. While PEDP did not come close to even scratching the surface of the need in our community, through collaboration and innovation, we quickly and effectively ramped up our capacity to address one of the most critical of needs in our community's history. To learn more about PEDP, please visit our website at <https://pinellasevictiondiversion.org>.

CLP's staff worked tirelessly to get all of these residents the help they needed. Despite working mainly virtually, we met daily as a team to map out a course of action for each case. Local attorneys Lynn Hanshaw, Danielle Vaughn, and Hans Haahr stepped in to help represent tenants through the process. County court certified mediators, Brian Gruber, Brian Gilroy, Nancy Mag, Jerry Gude, and Robert Spahr served as our



PINELLAS EVICTION DIVERSION PROGRAM
A homeless prevention project of Community Law Program



mediators. Two grassroots non-profit agencies, Community Development Training Center (CDAT) and Dab Community Services helped us spread the word into the community by assembling street outreach teams that went door-to-door distributing flyers about our services. Bay Area Legal Services and Gulfcoast Legal Services attended planning meetings with us. CLP gives thanks to all for a wonderfully collaborative effort!

As I write this column, PEDP continues its efforts. We are extremely pleased to have funding from the Juvenile Welfare Board, which is allowing us to help families with children. Eviction causes many harsh consequences for a family, and children suffer the most, particularly in terms of the disruption in education when a family has to suddenly move, often to an entirely new school zone.

What we need moving forward is more attorneys to help us advise and assist tenants. Funding for this effort is available, but it is too short-term for us to hire the legal help we need. If you would like to join us in a low bono capacity, please reach out to Mercy Roberg at mroberg@lawprogram.org. Also, as time goes on, we will need more mediators. We will be hosting a virtual training for mediators interested in joining us in this effort on Friday, April 30th, from 1:00 – 3:00 p.m.

In addition to PEDP, CLP is also thankful to the many local attorneys who helped us provide other free legal services to the community in 2020. Since COVID-19, all of our advice clinics have been virtual, and many attorneys continued to accept pro bono cases, even while they themselves may have been struggling to adapt to the new normal. In all, 94 attorneys donated 2,118.70 hours of free legal services, which we value at \$529,675, to help provide access to justice for the underserved in our community. In family law, when we were unable to find a volunteer attorney to take a case and/or when the stakes were high, we turned to our very own tenacious and tireless family law staff attorney, Thomas McGowan, who, with funding from The Florida Bar Foundation's Engle Grant Program, has represented over 70 clients in a little over a year's time.

Finally, 2020 was the first year in quite some time that we did not organize a special event to raise funds to sustain and maintain our programs and services. Despite this, many local attorneys and law firms made financial contributions to our organization totaling \$31,659.94, and we continue to receive donations into 2021.

Space does not permit it here, but in the next edition of the *Paraclete*, we will recognize and thank everyone who supported our efforts in 2020 by fulfilling The Florida Bar's aspirational pro bono goal.

Thank you all for helping us turn the tears and travails of 2020 into the hopes and promises of 2021 and beyond!



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Lucas Fleming

Catch Your “Breath”

Some years ago, I signed up for a race-walking class. During one of the sessions at a public park in Seminole, our group was approached by a gentleman with what sounded like a thick Eastern European accent. “What you are doing?” he asked our teacher. When she explained the basic principles of race-walking to our curious observer, he shrugged and shook his head. “Only in America,” he muttered, as he walked away from our group, “can you make money for teaching people to walk!”

I wonder what the good gentleman would think of my latest endeavor, which is re-learning how to breathe properly. When I ripped the Christmas wrap off my gifted book, “Breath: The New Science of a Lost Art,” I will admit I was initially perplexed and skeptical. “Why the heck,” I thought, “did this person think I would need a self-help book?” But, always game to read something different, I gave it a try, and just a few pages in, I was hooked. And, according to the author, most of us can benefit from this particular self-help guidance.

James Nestor, the author, is a journalist who spent a decade of travel, research, and self-experimentation centered around the possibilities of proper breathing. He also participated in a study conducted by the chief of rhinology research at Stanford University. His description of the first phase of the trial of having his nostrils sealed off with silicone plugs and surgical tape was enough to trigger claustrophobia. In painstaking and often squirm-worthy detail, he describes the scope of the experiment which leads to his conclusion about the importance of the nose and its myriad internal structures in our breathing. He also travels the globe, meeting with doctors, fellow study participants, athletes, yogis, and others and provides both statistical and anecdotal evidence of the advantages of nose-breathing over mouth-breathing. Through his travels and research he explores evolution, medical history, biochemistry, physiology, physics, athletic endurance, and more. The book may change your views on conventional wisdom, such as how the body utilizes carbon dioxide (some coaches and athletes use various techniques to increase levels of carbon dioxide—not oxygen—to enhance athletic performance), and the critical role of chewing to maintain proper jaw structure, healthy sinus cavities, and straight teeth. The chewing story line—a departure from the main theme of breathing—takes the author on an intrepid search for skulls in the catacombs of Paris. Not something I expected to read in this book!

Many of the concepts described in the book are not new to me or to most people. He spends some time writing about ancient yogic practices, such as using “Om” chants to improve



By Gay L. Inskeep



breathing techniques, which are now well known throughout the world. But there are many concepts new to me, among them the thoroughly modern concept of “email apnea.” This type of apnea is apparently caused by something known as “continuous partial attention,” exhibited by the majority of office workers who have grown so accustomed to multi-tasking that they are in a constant state of distraction. During this state, breathing becomes shallow and erratic, and at times breathing may stop, similar to sleep apnea, for a half a minute or longer. To make it worse, “email apnea” is thought to lead to sleep apnea. Nestor’s contention is that we can overtake this unconscious breathholding by making a conscious, mindful decision to breathe more efficiently, leading to a myriad of health benefits.

In his epilogue, appropriately titled “A Last Gasp,” he takes care to emphasize that the breathing techniques he describes in his book are not the cure-all for the seriously or terminally ill. He instead contends that through proper breathing, we can prevent or ease some chronic and even acute conditions.

The helpful appendix contains instructions for how to master various breathing techniques such as alternate nostril breathing, resonant breathing, Tummo, Yogic breathing, and 4-7-8 breathing. A couple of these, such as the Tummo technique, I will be skipping (you will have to read the book to learn why), but many may be easily folded into our daily routines. There are even apps to guide and prompt you throughout the day. He also gives other tips and pointers, such as taping your mouth closed while you sleep to train yourself to breathe through your nose at night. He claims that this simple technique will significantly reduce sleep apnea and snoring.

Time will tell whether the book will deliver on its promises of better sleep, reduced snoring, elimination of sleep apnea, blood pressure stabilization, better athletic performance, and more, but until then, everyone say it with me, “Ommmmmm.”

As Trial Courts Administrator, Ms. Inskeep heads a staff of approximately 175 persons at courthouse facilities at several locations in Pasco and Pinellas counties. She serves as chief executive staff officer and is responsible for the administration of trial court operations, programs, and services.

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How Can You Be Sure Mom is Getting the Best Care?

{Thank you to SPBA Bronze Annual Sponsor EasyLiving for providing the article below.}

One of the most stressful things as a family caregiver is wondering if Mom is getting the best care. It can be hard to judge, especially if you're caring from a distance. Asking Mom may not always reveal the truth or really get at the quality level of the care.

Our team will share steps to ensuring the best home care for your aging parent. Hopefully, this will help you avoid some of the painful mistakes other families have experienced.

1. Do your homework in hiring home care.

First, understand the reasons for hiring via a home care company. Using a licensed home care company provides you with a number of important protections you won't get hiring someone privately. Licensing varies by state, but home care companies typically have minimum requirements and some oversight from a state agency. There's also a process for making formal complaints and punishing agencies that do not adhere to basic standards. Read more about considerations and concerns about hiring a caregiver privately.

It's not just about issues like liability, worker's compensation, and taxes (though those are all important). A quality home care agency has to put a lot of things into place to ensure things go well. They'll do quality assurance. And, they'll be there to help you resolve any issues that do come up swiftly. If you are the employer, you will be responsible for all those things and you won't have the benefit of back-up care.

Even with licensed agencies, you'll find a lot of options. While meeting basic requirements, home care companies

vary widely in terms of quality. You will want to get familiar with the home care agency's processes.

2. Make sure caregivers are trained to provide the home care your loved one needs.

Does the home care company provide training (or how will you handle this if you're the employer)? At EasyLiving, we not only check caregiver skills and experience prior to hiring them but we provide extensive ongoing training. Each caregiver attends an orientation and receives access to a full online training program for continuing education. Our Care Academy includes training on everything from specific diseases and dementia care to good communication, professionalism, and skills training.

3. Set caregivers up for success.

In addition to proper training, a caregiver needs quality information to do the best job for your parent. At EasyLiving, we build a personal care plan for each client. We develop this using a questionnaire that seeks to understand preferences, needs, history, and routines. This enables the caregiver to know what you need and WANT. It is our caregiver's job description. It is their guide and also what we hold them accountable to.

Home care is very personal; you don't want someone caring for your Mom without giving them direction. If you were hiring for an important position at your company, would you simply sit the person at a desk and tell them to get started? This is the most important job you'll ever need someone to do. Without good information, the caregiver has no direction and you're unlikely to get the best results.

Always set clear expectations from

the start. Be honest and open in giving the full story about the situation. Be specific. Don't expect the caregiver to read your mind.

4. Communicate and give feedback proactively. Continually monitor home care.

Feedback is the next important ingredient in getting the best care. We use a multipronged quality assurance program at EasyLiving. Our team proactively seeks feedback using a third party agency. We also conduct supervisory visits and monitor care records via our online system.

From the start, our mission has been focused on setting up our caregivers for success. This is our priority in everything we do. As such, we've set up systems that eliminate these seemingly simple but highly disruptive issues. And, with a focus on always improving, we monitor feedback and constantly check in to make improvements.

We know our caregivers have big hearts and want to do a great job. But, we also know that it takes a lot to be sure Mom is getting the best care. Caregivers need tools, support, and feedback to do their best. And, you need good communication and information to have confidence Mom is getting the best care. A strong care team can do more than simply make sure Mom's needs are met; they can enhance her life and give you peace of mind.

Ryan Abremski serves as the Director of Business Development and Community Outreach for EasyLiving. EasyLiving is an affordable home care and care management agency with over 20 years advocating for the rights of seniors and their families in Pinellas, Pasco & Hillsborough Counties.



By Ryan Abremski

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WHAT'S UP & WHO'S NEW

John V. Tucker of Tucker Law Group, P.A., presented "ERISA Essentials - 2021" at The Florida Bar's 21st Annual Labor & Employment Law Update and Certification Review on January 15, 2021. John was President of the St. Petersburg Bar Association in 2002-2003.

Hill Ward Henderson has announced that shareholder **Jeffrey J. Wilcox** has been selected to participate in Leadership Tampa's Class of 2021. Leadership Tampa is a leadership group comprised of thirty-nine dynamic and diverse professionals who serve in leadership roles within their organization, and who have demonstrated concern for community issues and volunteered their time with service and professional organizations.

Andrew R. Pardun, Esq. LL.M. was named Partner at Battaglia, Ross, Dicus & McQuaid, P.A., one of St. Petersburg's oldest and most well-established law firms. Andrew specializes in the areas of Real Estate Law, Commercial and Residential Real Estate Closings, Commercial Lending and Borrowing, Mortgage Foreclosures, Business Law and Tax Law.

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Map Your Wellness – Quick Tips to Harness Your Habits

- Get eight hours of sleep per night
- Look at your schedule daily – eat every four hours

- Pack snacks – bags of nuts, nutrition bars, etc.

- Limit artificial foods

- Never go on a diet: something you go on is something that you will eventually go off. Instead choose to consistently have healthy nutrition

- Eat whole, living foods

- Eat as much color as possible (fruits, vegetables) – recognize when your plate is becoming filled with foods lacking nutrients - white/tan foods

- Create a system to include water in your day. Ex.) keep a tumbler with a lid/straw at your desk

- Drink 16 oz of water as soon as you wake up every day

- Have bloodwork done every 12 months (request Vit. B, magnesium, Vit. D, and thyroid to be checked) ask for a copy and research your levels to see if your symptoms (tired, mental fog, insomnia) are related to vitamin deficiencies

- Eliminate caffeine and soft drinks

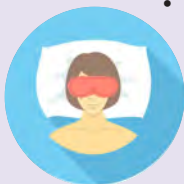
- Break negative habits – recognize when you're losing your balance in any area – too much work, too much alcohol, too much caffeine, too much sugar, too much time on electronics

- Put your cell phone in another area – away from your body – while working

- Put your cell phone away from your body when sleeping

- Turn off cell phone alerts – put apps in a folder on your phone

- Determine your boundaries – consider not including work email on your phone, do not allow clients to



contact you on your personal cell phone; it's like inviting them into your home

- Giving clients your cell number is like saying "you're welcome to stop by my home any time." If you value your personal life, don't. Tell them simply "the best way to reach me is on my office number or through my email. Cell phones are not secure communications, so I keep mine for personal use only." Cell phone communications are also hard to track for both documentation and billing purposes.

- Texting with a client can be bad for business and your personal life. If you can't resist, never text anything that could be remotely construed as legal advice. Texting encourages "knee jerk" responses rather than thoughtful ones, and these abbreviated messages are seriously prone to misinterpretation. If you insist on texting, limit it to non-legal responses such as "let's set an appointment to discuss that." But if you open that door, expect midnight text messages.

- Find your tribe – begin healthy pursuits and surround yourself with like-minded people

- Determine an exercise schedule – consistency is the key; Beginning is easy, continuing is hard; change your routine when it no longer suits your interest or schedule

- Take the stairs – always

- Walk while on the phone

- Practice mindfulness throughout the day. Ex.) do not multitask while traveling to meetings or walking to your car

- Embrace gratitude habits – as you walk to your car at the end of the day – think about what you're grateful for

- Download a meditation app – "Headspace," "10% Happier," etc.

- Create your personal declarations/ mantras. Ex. "I always take the stairs." "I never text and drive." "I don't drink more than two drinks in one sitting." "I exercise a minimum of three times a week." "I spend time in nature once a week."

- Pack your lunch when possible

- Get grounded – Take your shoes off when you can (maybe after a run/walk outside) and put your feet on the ground

- Practice Tree Bathing – Spend time with trees – go outside between meetings and stand near a tree to breathe and center yourself

- Trust your flow – recognize when your energy is low – take a wellness day/half day/hour to recharge – you will gain more time by coming back to your work with your full attention

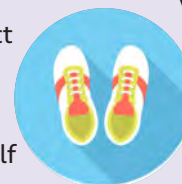
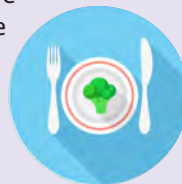
- Put sneakers at your desk, or in your car – take a moment to walk when you can (even if it is only 5-10 minutes)

- Reorganize your professional or personal space – declutter

- Schedule time for personal relationships on a weekly basis – pick one day a week to plan to engage with family or friends (a phone call, a walk with friends, etc.)

- Find a fellow wellness warrior to share ideas – text each other tips or meet for coffee to discuss new ideas

- Remember to find control where and when you can in your daily schedule – you are not a victim of your circumstances





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