

THE COMMON GROUND

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NATALIE PASKIEWICZ & ANA CRISTINA MALDONADO, CO-EDITORS



MESSAGE FROM THE CHAIR

Oscar A. Sanchez, Esq.

Greetings and welcome to another edition of The Common Ground! As the Covid pandemic marches into another year, the ADR Section continues to be at the forefront of helping lawyers and neutrals grapple with this “new normal.”



Section members and leaders have been busy putting out programming for our members, including the recent “**Connecting the Dots**” event, which our section’s Law School Outreach Committee held for law professors, students and ADR professionals; the Health & Wellness CLE series, which was held in conjunction with the University of Miami School of Law; and the inaugural Arbitration Advocacy Institute, which helped lawyers who practice arbitration hone their advocacy skills.

In this coming year, we are looking forward to the second Mediation Academy for Certified Mediators, which brings together seasoned mediators with the leading mediators of Florida for a two-day

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How to Be Better at ... The Power of Health and Wellness

By Patrick Russell, Esq.
Florida Supreme Court Certified Mediator
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Everyone at some point wants to get better at something. For you, that might mean a sport, a hobby, a relationship, or work. There are endless sources of online guides, manuals, books, and seminars that dispense tips on almost any conceivable topic, including the main staples for building a better business, making friends, or losing weight. An analysis of the top ten non-fiction categories for print books on Amazon in November of 2017¹ revealed that self-help books were number two on that list. What is even more interesting is that six more categories on the top ten list for non-fiction were essentially “how-to” books as their topics covered health and fitness, cooking, business, parenting and relationships, education and teaching, and hobbies. That would make eight out of ten of the most popular non-fiction categories dedicated to self-help and “how-to” guides. That trend continues today and has compounded based on the sales numbers of self-help books that have grown by 11 percent per year from 2013 through 2019². In terms of pure numbers, the unique titles for self-help books have increased from 30,897 in 2013 to 85,253 in 2019. What is the point of this?

We are all looking for help on how to get better, and that desire is increasing.

Self-help books generally tackle topics from their unique perspective. The tips given are precise and are often a series of lists. Every book will have its unique twist on the formula, a new secret sauce, if you will, to get better. The advice for how to play better chess is generally going to be very different than how to nurture romantic relationships. The same can be said for how to be a better lawyer, negotiator, or even mediator. However, I would posit that one common thread connects every single self-help or “how-to” guide. All too often, this common

thread is just simply taken for granted when it is, in fact, far from that. What am I talking about? I am talking about your health and wellness.

Health and wellness is your core state. Think about it. Literally, everything you do depends upon your health and wellness.

What are the chances of you being a better trial lawyer if you are sick? How will that appellate brief turn out when you have nausea, dizziness, and a migraine headache? Health and wellness not only includes your physical state but also your mental state. Are you going to have an amazing negotiation if you have uncontrollable anxiety or suffer from depression and apathy? Most likely not. We should also not forget that physical health and mental health are connected. Your physical health can directly impact your mental health and vice versa.

Notwithstanding how our health and wellness impacts everything we do; it is often placed on autopilot with the belief that all will be well. Try doing that with a plant or pet and tell me how that turns out.



¹ [10 Best Selling Non-Fiction Book Topics](#)

² [NPD: 'A Decade of Personal Exploration' Ahead in US Self-Help Books](#)

How to Be Better at ... The Power of Health and Wellness

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Self-care is perhaps the most important task we should all prioritize but is often neglected. Neglect starts early when we all consider ourselves superhuman. Then, as we age and our responsibilities increase with work and family, the excuse is we no longer have time for self-care. As lawyers, we take it a step further as legal work begins to dominate our available time. The billable hour reigns supreme, as does our quest for perfection. Our self-esteem and professional image will not allow us to feel vulnerable, much less have to ask for help. Instead, we substitute coffee for lack of sleep, alcohol to take the edge off, consume vitamins and supplements instead of exercising, and ultimately bury ourselves in more work rather than deal with emotions, feelings, or mental health issues.

There is no magic pill or substitute for health and wellness. And there is nothing more important than your health and wellness. You only get one shot at this, one body and one mind. Ask yourself, are you here to be or to do? Are we human beings or human doers? Can we agree that one purpose for us on this planet is to be happy? I would suggest that you should be all you can be, here and now. Choose happiness. The time to be happy starts by taking inventory and responsibility for your health and wellness. You can be happy, healthy, well, and still have a legal career. By integrating self-care, both physically and mentally, you can make that happen. Self-care will take a slight change in perspective and priorities, but the payoff can be tremendous. If you want to continue to help others as a legal professional, you need to help yourself first.

May is lawyer wellness month and is fast approaching.³ Now would be a great time to get started and prioritizing your health and wellness.

We all have gone through tremendous unsettling and unprecedented times with a worldwide pandemic, social upheaval, and political turmoil. There can be no doubt that the additional strains these recent events have had on us will only further compound any lingering issues with our health and wellness. Now is the time to make time to address health and wellness.

³ [May is Health and Wellness Month for Florida Lawyers](#)

Leading the way, the Alternative Dispute Resolution Section organized the first-ever, Health and Wellness CLE Series.



This critically acclaimed “Be Well. Stay Well.” program consists of six separate continuing legal education webinars that tackle health and wellness from different perspectives. Guiding each program is a panel of renowned experts who provide insight into health and wellness related to mindfulness, technology, psychology, ethics, social justice, career development, and happiness. These topics remain just as relevant today as they were when recorded in October. If you missed these programs, now would be a great time to catch up as we approach Lawyer Wellness Month. A brief description for each program is below:

[Mindfulness, Social Connection and Well-being: Resolving Inner Disputes and Reaching Resolution](#) Florida Bar Course 4166 originally presented Oct. 5, 2020, by University of Miami School of Law Dean of Students Janet Stearns, Joshua Rooks, PhD., Gilbert Squires, Esq., and Professor Scott Rogers, University of Miami School of Law Director of Programs and Training and of the Mindfulness in Law Program.

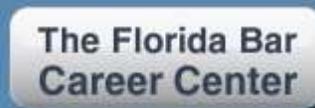
We live at a time of great disruption and social isolation, physically, emotionally, and economically. This session explores insights associated with the effect of isolation and feelings of disconnection—whether occasioned by COVID-19 or an aspect of the practice of law—and offers various practical approaches to wellbeing and healing. 1.0 General, 1.0 Mental Illness CLE credit. ADR Section members \$50; non-section members \$85.

[Balancing Wellness and Ever-Present Demands of Technology](#) Florida Bar Course 4167 originally presented Oct. 8, 2020, by Ilenia Sanchez-Bryson, Legal Services of Greater Miami.

An overview of the need to balance wellness with the demand to be “connected,” especially considering the impact of working from home during the pandemic.

Are you getting the most from your Member Benefits?

Practice Resources



How to Be Better at ... The Power of Health and Wellness

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The course covers best practices for setting technological boundaries and leveraging technology tools to support balance and wellness. 1.0 General, 1.0 Mental Illness, 1.0 Technology CLE credit. ADR Section members \$50; non-section members \$85.

[Changing the Paradigm: Reconciling Our Conflicts](#)

Course 4168 originally presented on Oct. 13, 2020, by Deborah Corbishley, Esq., Kenny Nachwalter, P.A. and University of Miami School of Law Professor and mediator Janet Seitlin.

An online discussion examining the conflicts between the left-brained realities of the legal system and the right-brained nature of human beings; how this conflict affects us, and how we can reconcile the two. 2.0 General, 2.0 Mental Illness CLE credit. ADR Section members \$100; non-section members \$135.



[Ethical Considerations When Using Alternative Dispute Resolution to Bridge the Justice Gap](#)

Course 4169 originally presented on Oct. 21, 2020, by Jayme Cassidy of Legal Services of Greater Miami.

This program addresses practical and ethical issues that often arise when mediating a case with an indigent party and strategies for successfully handling them. Learn more about the impact that alternative dispute resolution can have on cases involving indigent clients and opportunities for pro bono mediation. 1.0 General CLE credit, all of which may be applied toward Ethics. ADR Section members \$50; non-section members \$85.

[Navigating Lawyering and Life: A Roadmap](#)

(Course 4170, a recorded webinar that originally aired on Oct. 26, 2020, by Bruce Blitman, Esq., Business and Professional Development Coach Paula Black, Maia Aron, Esq., Mark Migdal & Hayden, and Karen Lapekas, Esq., Lapekas Law.

Yes, it is possible to be happy; have a thriving practice and the personal life you really want. Paula Black, the author of the new book “**A Lawyer’s Guide to Creating a Life, Not Just a Living,**” shares what it takes, and you will hear from two of the lawyers in her book: Karen Lapekas and Maia Aron share their personal stories of how their approach of mindfulness helped them achieve a life of their own making; a life they wanted and their courageous journey to make it happen, all the while taking care of themselves. You will learn the secrets that will lead you down the path to professional and personal fulfillment. You will learn how their approach of mindfulness helped them achieved a life of their own making; a life they wanted, and they found the courage to make it happen. 2.0 General CLE credits, 0.5 of which may be applied toward Ethics; 1.0 Mental Illness Awareness credit. ADR Section members \$100; non-section members \$135.

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[Happiness For Lawyers Guaranteed ... Or Your Misery Back](#)

Course 4171 originally presented on Oct. 29, 2020, by Arielle Capuano, Esq., Levinson & Capuano, LLC, and Mark Eiglarsh, Esq.

An examination as to how to decrease stress and increase success as an attorney/neutral, including an analysis as to why attorneys are unhappy and how that manifests into various problems, as well as a discussion of some solutions and various exercises and practical tools the attorney/neutral can utilize in combating stress and increasing happiness and success. 1.0 General, 1.0 Mental Illness Awareness CLE credit. ADR Section members \$50; non-section members \$85.

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So, if you want to get better at something, start with your health and wellness. Health and wellness for legal professionals is too critical to ignore or to put on autopilot. We have been trained to place the interests of our clients and our work ahead of ourselves. That training has been long worn as a badge of honor but should not come at the cost of harming ourselves. If you cannot help yourself, how can you help others? **Let's** make a conscious shift and commitment to help ourselves and do more for our health and wellness.

Additional health and wellness resources are available through The Florida Bar, the Alternative Dispute Resolution Section, and the Young Lawyers Division. Through the power of health and wellness, you can get better at almost literally anything. Be well. Stay well.

[Patrick Russell, Esq.](#) is a former trial partner and ethics counsel, who now mediates full-time with Salmon & Dulberg, where his mantra is to make every mediation a meaningful mediation, which is ethical, mindful, and strategic.



Current Trends in Florida Arbitration Proceedings (and post-award proceedings)

1 CLE Course Number 4007 Original Program Date: June 16, 2020
Glenn Waldman, Karen Evans, Christina Magee

Available for 90 days after purchase



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