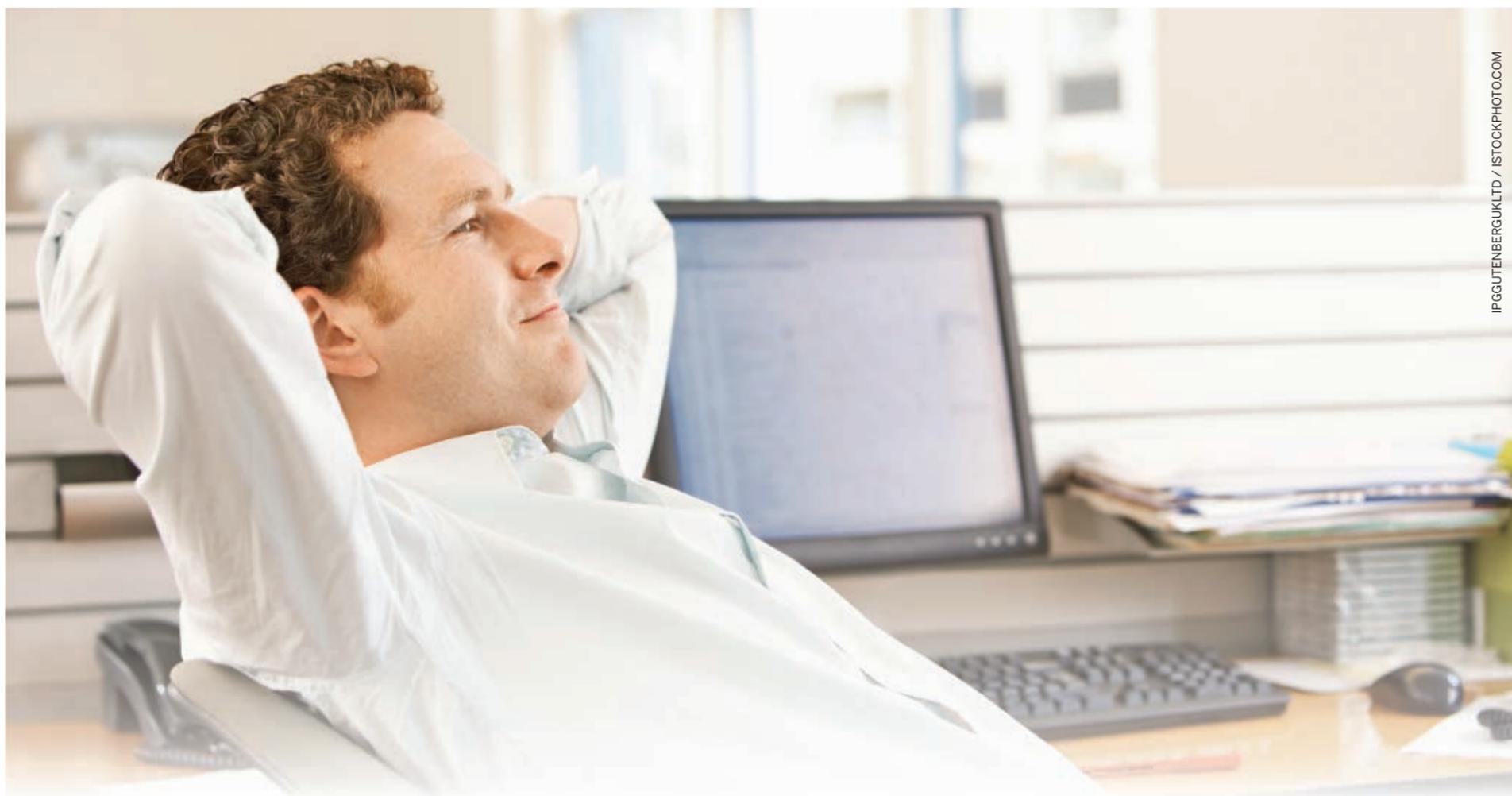


Business & Careers



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‘Disembodied’ lawyers urged to get mindful

Wired world, job demands lead to stress, burnout

GRANT CAMERON

The trials and tribulations of the job and a feeling of always being tethered to work via technology and digital devices have left many lawyers in a “detached state,” according to Elizabeth Griffin, an international human rights lawyer and fellow at the University of Essex Human Rights Centre in the U.K.

Many are “emotionally fragmented” because they spend too much time on their smartphones and don’t take proper care of their physical and mental well-being, she told *The Lawyers Weekly*.

“Lawyers have to look after the whole body and encourage a feeling of wholeness or they’re no good to anybody. It’s not easy to do when we’re on a deadline or we’re on a case but the consequences on the body can be huge in terms of stress and burnout and inability to deal with issues,” said Griffin, who added that lawyers must think long and hard about their personal well-being and look after the body and mind so they don’t become disembodied.

“We have this problem in modern society where the body has become viewed as something that just carries the brain around. But our bodies, and our minds, were built for more than just switching on an iPad or getting up in the morning and going to work and just sitting in front of a computer,” she said.

Griffin was in Toronto recently to speak at a conference on “Law and the Curated Body” organized by York University’s Osgoode Hall Law School and the School of Arts, Media, Performance and Design. The three-day event featured academics and practitioners from various fields and from around the world speaking on modern-day issues affecting the human body. Griffin spoke about mindfulness, lawyer self-care and ethics and the importance of lawyers embodying

Vasudhaiva Kutumbakam, a Sanskrit term that generally means the world is one family.

Griffin, a registered yoga instructor, advanced level kite-surfer, and lecturer at the University of Pretoria, South Africa, has two decades of experience working as a human rights lawyer in war zones for the United Nations and non-governmental organizations in Croatia, Bosnia and Afghanistan.

She said the mind, body and spirit of lawyers is being torn apart as they stare at their iPhones and Blackberries and lead busy lives, and they typically forget to act and move mindfully. The result, she said, is that lawyers are often stressed out, detached and lose a unified sense of themselves.

“We’re becoming, as human beings, disembodied,” she said.

Faisal Bhabha, assistant professor at Osgoode Hall who helped organize the conference, said lawyers often have higher incidences of stress because of job demands and the need to find the right balance with their personal lives.

He said Griffin’s message is important because lawyers who don’t take care of their mental health will get burned out. Lawyers need to find new ways of approaching their careers and harmonizing their professional and personal lives, he said.

“Mindfulness enables us to be more aware of our own inner workings and our own state of mind, and it can give us a window into being sensitive towards those of our clients as well,” he said.

Bhabha, a practising lawyer who previously sat as vice-chair of the Human Rights Tribunal of Ontario, said that tapping into ancient Indian philosophy and gaining the ability to explore one’s consciousness and be more mindful in one’s body can help lawyers deal with stress.

Griffin took up yoga in 2001 as a means of recovering from trauma triggered by two decades of working in war zones and investigating human rights violations, war crimes and genocide. The work was emotionally draining and yoga helped her return to a more holistic mindset, she said.

While she believes yoga is a practice that can help lawyers become more mindful and also improve their health, they could just as well participate in any type of activity that promotes body movement, she said.

“I don’t want to force yoga on people, but there’s a growing body of lawyers who are seeing that there needs to be a balance in life. When the balance is not struck, we become off-centre and fragmented as human beings and it’s going to have a negative consequence on how we perform our duties as lawyers.”

Griffin said she is passionate about lawyers embracing Vasudhaiva Kutumbakam. The concept of Vasudhaiva Kutumbakam originates from Hitopadesha, a collection of Sanskrit fables in prose and verse.

Embracing the practice might help lawyers unify their own individual being, she said, and, in turn, foster a greater sense of unity among the global family.

She said lawyers around the world need to think of themselves as one family because a decision made in one country could have repercussions in another.

The world has become smaller and, since the end of the Second World War, there has been a massive expansion in international human rights law and “codification” in treaty law, she noted.

“States are starting to say, ‘Yes, what happens to people in other far off places is our concern also.’ There’s more of an awareness about what’s happen-

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Securing the gateway to confidential information



Luigi Benetton
Hi-Tech

Phones, tablets and notebook computers help lawyers be more productive, since they connect to the law firm network when the lawyer is out of the office. They also represent an information security risk because they connect to the law firm network while the device is out of the office. Compromise the device, compromise the network it connects to and compromise the data on that network.

That's why law firms need policies that govern mobile device usage and must find ways to help staff comply with those policies.

Drafting a mobile device policy is a complex practice. Dominic Jaar hasn't seen a policy yet that covers all the bases.

"You need the right people around the table," says Jaar, partner and national leader in information management and e-discovery for KPMG. "Most of the policies we see are either totally legal-oriented or a pure IT approach."

Mobile device policy can cover a wide range of topics, including:

- Required authentication (e.g. password usage) and other security controls;
- Ability to install software;
- Ability to download files to devices;
- Device encryption;
- Taking devices to other countries;
- Proper usage of mobile devices as Wi-Fi hotspots;
- Proper usage of location-based services;
- Reimbursement of fees paid for usage of personal devices for business.

Using his background in computer engineering and influenced by his work with technology clients, James Kosa wrote his firm's mobile device policy.

"A big part of my job is security, so I err on the side of security," says Kosa, who practices information technology and intellectual property law. Perfect security via policy "might not be worthwhile," says the Deeth Williams Wall partner whose 25-lawyer firm handles requests case by case.

"It isn't yes or no, it's a question of whether we can secure the device," he says, adding that overly controlled devices might lead to people "boycotting" them and using other, unauthorized (and potentially unsecure) devices to access the network. (Everybody in his firm opts for a BlackBerry on the job, though many carry other devices for personal use.)

Chuck Rothman has helped draft mobile device policies for clients and for his own company. To his eyes, the policies are mostly similar. Differences occur in details like what types of devices are authorized (e.g. BlackBerry, iPhone, Android, Windows) and whether staff can use the camera.

"A manufacturing company demanded the camera be disabled on phones to prevent industrial espionage," recalls Rothman, director of e-discovery services for e-discovery and information governance law firm Wortzmans.

Third-party applications could also pose problems. Ensuring staff only obtain apps from "authorized" app stores might mitigate potential risks. "That's the theory, anyway," Rothman quips.

Many policies are geared to phones, tablets, and sometimes notebooks. They rarely account for newer technologies like "wearables" (e.g. Google Glass and various "smart-watches" à la Galaxy Gear, Pebble and Apple Watch) that may contain data independently of other devices. And thanks to the blistering pace of technology innovation, it's a safe bet devices few people know about may soon burst into law offices.

For these and other reasons, Rothman advises firms review their policies annually to ensure they're up to date.

Ready for more policy wrinkles? Consider the bring-your-own-device (BYOD) trend where companies allow staff to access their networks and data using personal devices. The benefits can outweigh the costs for "non-risk" businesses, including cost savings to the company and allowing staff to use their preferred tools for work.

Jaar believes that any organization in a "risk" business should provide all work devices. Unsurprisingly, he considers the practice of law a "risk" business and advocates firms acquire full control over the devices employees use on the job.

"Even pushing e-mail through a personal device means you have a personal device that contains confidential information," he says.

Carefully chosen technologies can help firms make compliance easier for lawyers. For instance, the firm should be able to connect devices to a mobile device management (MDM) platform. From an MDM, IT staff can do things like remotely track missing devices, wipe a device's memory, push operating system or application updates to devices, and keep people from violating mobile device policy.

"You need the same capabilities on mobile devices that you have always had on PCs," Jaar says.

He also prefers devices that enable separate work and personal spaces. This entails the separation of business from personal e-mail, browsing, documents and other data.

"If an employee leaves, you can wipe corporate data from the employee's personal device without touching personal information," Rothman adds. "BlackBerry has already implemented this in the operating system and I think Apple and Android will do the same thing." Should a device be lost, the employee can ask IT to wipe the entire device.

All data traffic to and from a law firm's servers passes through the same gateway, so security there can be strengthened.

"We monitor traffic through the firewall and only allow authorized traffic in," Kosa says, noting that the firm has "whitelisted" (i.e. authorized) applications like GoTo-Meeting and certain desktop sharing tools.

Tools like MDMs and firewalls don't supplant the need for employee training. Staff rarely understand mobile device policies since they frequently aren't taught why they matter or how to follow them. "Even if you have the perfect policy, if it only sits on the Intranet, you may as well have no policy," Jaar says.

Since third-party apps are easy to install and can cause issues, Jaar suggests teaching staff how to search app terms and conditions for keywords like download, upload, confidential, personal, privacy, private, mining, analytics, sell and transfer.

Reading text in areas where these keywords appear can help lawyers avoid giving developers the right to do things like upload all contacts on a phone to developer servers or look at a device's contents.



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Please Note: We thank all applicants for their interest. Only applicants selected for an interview will be contacted. Moving expenses will not be paid.

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ing to other human beings in other continents.

"It's not just hippie stuff about, 'Oh, let's all hold hands and have a global village,'" said Griffin. "It's just another way of saying the world is one family."

By embracing the spirit of Vasudhaiva Kutumbakam, lawyers will be more compassionate and never lose sight of the consequences of their actions.

Human rights lawyers, in particular, might benefit from adopting the concept, she said, because they're often involved in strategic litigation and trying

to challenge or establish new laws.

Sometimes they get so wrapped up in the litigation process that they lose sight of who they're representing, said Griffin.

"I've seen that so many times in my work. Lawyers have to remember that they should be serving human beings, not setting legal precedents."

While it's not intentional, they focus too much on righting a legal wrong and lose track of the people who have been harmed, said Griffin.

"What can happen is that we don't act in the best interests of those that we're trying to serve."