**COURSES OFFERED BY MICHELLE GALLOWAY (updated 12/2023**

Michelle Greer Galloway is a former partner and currently Of Counsel in Cooley’s IP litigation group. Today, she speaks regularly to different organizations on issues related to engaging top talent and strategies to work efficiently and effectively on complex problems and in diverse teams. She also teaches at Stanford Law School and Santa Clara University School of Law.

Below are descriptions of Michelle’s most requested seminars. Many have been provided for CLE credit but that must be confirmed before the presentation is scheduled. Most are easily adapted to non-lawyer audiences.

**ELIMINATION OF BIAS/IMPLICIT BIAS CREDIT**

**DEI Issues Facing Legal Departments and What Works**

This program will focus on current DEI issues in the legal profession. We will learn about the following:

* Current data regarding diversity in the legal profession and the challenges of retaining attorneys
* Identify areas where bias can typically be found within the legal profession
* The DEI challenges facing in-house legal departments as well as their outside counsel law firms
* Understand new legal developments impacting DEI efforts
* Strategies to actively promote diversity in the legal profession

**Bias in the Legal Profession:  Implicit Bias, Debiasing Strategies that Work, and Building the Inclusive Legal Workplace 2024**

What does it mean to  “think like a legal professional”? Many legal professionals worked hard to master legal principles but also believe they are considering problems with objectivity and that they are using only using analytic skills to make decisions with their clients. But are we really? Substantial research supports the finding that unconscious or implicit bias influences our decision-making – and legal professionals are not an exception. In this session, learn to recognize implicit bias and its impact in the legal profession and system and how to reduce it. We will learn about the following:

* What is implicit bias and how does it impact law and legal professionals
* Recognize implicit bias in common interactions and its impacts in the legal profession and legal system
* Combat implicit bias with research-based strategies to ensure a fairer profession and justice system

**Inclusivity and Being an Ally**

This seminar will explore how to be a consistent, effective Ally.  An Ally is a leader – they support equality, stand up for the rights of others, and can be a powerful voice alongside marginalized individuals or groups.  In this seminar, you will learn about:

* Neuroscience of in-group and out-group bias
* Intersectionality – valuing the multiplicity of identities held by an individual, i.e., their “whole self”
* Creating space so teams can thrive with diversity of backgrounds, approaches, and knowledge to find common ground
* Techniques for holding yourself and others accountable for words and actions
* Techniques to amplify the voices of those who may be marginalized

**Addressing Gender Bias in the Legal Profession: Differences in Persuasion and Power**

In this seminar, we will address gender bias in the practice of law. Participants will learn about:

* Differences in workplace communication styles between genders
* Difference in non-verbal communication between genders
* Gender biases related to perceptions of competence, self-promotion, negotiations, dealing with confrontation
* Strategies for individuals, teams and organization to reduce gender bias in legal practice

**Becoming More Effective in Multigenerational Environments (Reducing Ageism)**

Lawyers from four generational cohorts are working together and assumptions and stereotypes may hamper our abilities to collaborate.  Bar associations are discussing ageism in the profession.

Our discussion will include:

* Understanding how the “generational cohort” to which you belong may influence your attitudes and expectations especially around communication, decision making, confidentiality and risk assessment
* Recognizing and reducing the assumptions, stereotypes, and biases regarding both younger attorneys and older attorneys
* Reducing bias and discrimination based on age
* Practical approaches to hiring, engaging, and working with the different cohorts including Boomers, Gen-Xers, Millennials, and Gen Z.

**Neurodiversity at Work and the Legal Profession:
Understanding and Eliminating Bias Around Brain Difference**

* Did you know that 90% of disabilities are invisible?
* *Can we understand our coworkers and clients "through their brain"?*
* *How do we address and eliminate bias based on neurodiversity as we work with clients, colleagues, opposing parties and the courts?*
* *What can we understand about our own brain behaviors in order to contribute effectively to the legal environment?*

This seminar will explore the latest research on neurodiverse attorneys. It will discuss the strengths that those with neurological differences such as learning disabilities, social cognitive differences (Asperger’s and other “spectrum” issues), ADD/ADHD, and executive functioning disorders bring to our teams. And, we will discuss strategies to maximize communication across such differences.

**Creating More Effective Multicultural Work Environments**

This seminar explores differences across cultures in communication styles, perception of time, attitudes toward conflict, level of directness, and compliance. Learn how to be more effective in these environments by reducing implicit bias, helping groups take risks, and deepening trust and collaboration to create better-performing teams.

**Overcoming Cognitive Biases in Decision Making**

Are you really a rationale decision maker? What unconscious biases influence you as you practice law? How do they impact your decisions and interactions? Can you identify and challenge your cognitive and social biases or address such biases in others? This seminar helps you to identify both cognitive biases around beliefs and behavior and social attribution errors. It also examines strategies to address implicit and unconscious biases to prevent them from negatively impacting performance.

**Can Flexible Work Arrangement “Work”?: Recognizing and Reducing Bias Around Lawyers “Flexing”**

More attorneys are working in FWA where they may work flexible hours (time of day), reduced hours, or at flexible location(s). Lawyers must learn to manage and navigate flexible work schedules and that is all the more important in the age of working from home during times of conflict and uncertainty. One key to making “flex” work is to bust myths associated with flexible schedules and address the blind spots, stigma, and stereotypes that get in the way of success in legal practice.

During this session, you will learn about:

* Stigma, stereotypes, bias and discrimination against attorneys with FWA, and especially impacts on women, attorney parents
* Bias assignments, team interactions, and performance reviews of attorneys with FWA
* Organizational support needed for successful FWA
* Strategies to reduce or eliminate bias in transitions to and from FWA or leaves
* Strategies to reduce or eliminate bias in assignments, team interactions, and reviews of FWA attorneys [Not yet approved for CLE]

**Supporting First Generation Attorneys**

(Coming soon)

**Socioeconomic Diversity – The Importance of Bridging Class-Based Cultural Differences** (Coming Soon)

**ETHICS CREDIT**

**Legal Ethics: What You Need to Know for 2024 – Including Legal Ethics and Use of AI**

This program will cover current hot button ethics issues that attorneys confront on a regular basis. Topics include:

* New rules and key opinions
* Confidentiality and privilege, including cybersecurity and protecting client data on devices, servers, and with vendors
* Legal ethics issues when using AI
* Duties of loyalty and candor
* Duties regarding third parties
* Disrespect, discrimination and harassment issues under Rule 8.4

**IP Ethics – Avoiding Ethical Missteps in IP Practices**

**This program covers the button ethics issues that IP attorneys confront on a regular basis. Topics include:**

* New rules and key opinions
* Confidentiality and privilege in IP cases, including issues arising from protective order violations
* Duty of loyalty and conflict issues that arise in IP cases
* Duties related to candor to the USPTO and courts
* Duties regarding third parties
* Duties of supervisory and subordinate attorneys
* USPTO OED rule changes and disciplinary decisions

**Generative AI and Legal Ethics**

This seminar will discuss attorney use of artificial intelligence, i.e., tools simulating human intelligence. Both Model Rules 1.1 and 1.6 have comments that lawyers keep abreast of “benefits and risks associated with relevant technology . . . .” How can lawyers use AI technologies? What are the risks in using generative AI, especially for client confidentiality. Courts and Bar Associations are issuing guidelines, rules and cases. Are you ready to ethically use AI?

**Privilege Pitfalls: Ethically Handling Confidentiality and Privilege Issues**

In this session, more experienced attorneys will learn about recent privilege rulings and their implications for attorneys. After the session, participants will understand:

* The ethical duty of confidentiality
* The risks in handling privileged information
* Recent cases analyzing whether documents provide “legal advice”
* Recent developments related to confidentiality and privilege in investigations and mergers
* Current issues related to privilege and disclosures to government agencies

**What to Do When Jerks and Bullies in Law Practice Cross Ethics Lines**

Many attorneys engage in aggressive behaviors and tactics that they say are part of a “duty” of zealous advocacy. But the ethics rules do not impose a “duty” of zealous advocacy and these jerks and bullies often cross ethics rules related to candor and misconduct and face potential sanctions, reputational injury, or discipline. They certainly violate guidelines and norms of civility established by the Courts and bar associations. In this seminar, we will learn to:

* understand how this type of aggressive behavior may violate the ethics rules including Model Rules 3 and 8
* how such behavior may undermine client options and decision making
* what we may be required to do to address such behavior under Rule 5 regarding supervisory or subordinate attorneys or Rule 8.3 reporting misconduct or even the FRCP and 28 USC 1927

**“Hazardous Transmissions: Protecting Yourself in the Digital Age.”**

This seminar provides practical tips to protect your organization and your confidential business information.   We will evaluate the risks in using technologies including email, smartphones and tablets, social media, blogs, and wearable technology. The focus will be on tips to improve our cybersecurity and to protect against attacks from others.

**“Social Media Ethics – Can I . . .? Should I . . .?”**

This session covers common pitfalls associated with the use of social media. While social media offers opportunities for networking, client development, and research, there are dangers along the way. Topics to be discussed include discoverability of social media, pretexting (pretending to be who you are not) or misrepresentations, and protecting confidentiality. Specifically, this session examines the challenges that arise from disclosure of financial and confidential information through social media and rules regarding ownership and monitoring of social media.

**Lawyer Marketing: What Can Lawyers Ethically Say About Our Work and Our Wins?**

In this session, we will discuss how the rules regarding confidentiality and advertising apply to our communications to clients and prospective clients. Attendees will learn about:

* Current ethics rules, ABA opinions, and state opinions related to confidentiality and advertising
* Ethical pitfalls for blogging lawyers
* Social media use for practicing lawyers including the concepts of personal or professional accounts
* New technologies and old rules – potential ethics issues

**Can You “Just Do the Deal?” – Ethics in Negotiations and Transactions**

This seminar explores the ethical issues confronting transactional lawyers. We will discuss the ethics issues that arise from the various roles of transactional lawyer as legal advisor, negotiator, business advisor, or investigator. Topics will include managing the scope of engagement; conflicts in the transactional context including conflicts between former and current clients as well as between officers and the organization/client; ethics in negotiations, including omissions, dishonesty and candor; contract with represented parties; and ethics issue regarding confidentiality.

**COMPETENCE – WELLNESS (Competence)**

**Substance Use Disorder and Mental Health**

**For Lawyers to Get Help, Reduce Stigma and Show Support for Substance Use Disorders and Mental Health Treatment**

Lawyers suffer as reflected in the substance use disorders and mental health challenges in law practice. Stigma is a significant barrier to seeking treatment and sustained recovery. In this session, participants will learn to

* Identify substance use and mental health impairment in the legal workplace
* Understand how stigma is a barrier to lawyers seeking help
* Strategies to reduce stigma to seeking help/recovery, including the ABA well-being pledge
* Strategies for attorneys seeking support during treatment and recovery; including LAP assistance
* Understand the ethical obligations when working with impaired attorneys

**Practice Competently: Calm Your Brain, Regain Your Focus**

Most of us were already managing “stress” but how has that stress changed, especially given our new work environment of and current uncertainties of Covid-19? How is the threat response triggered by these changes impacting lawyers’ abilities to practice competently and what responsibilities under the Model Rules should we be reminded of during these times? If stress is a way of the brain saying, “pay attention,” can we use that stress to regain our focus to advise our clients and anticipate future challenges? In this seminar, we will learn to identify maladaptive strategies to stress and techniques to calm the mind to ensure we have the skill and mental and emotional ability to SERVE OUR clients facing a range uncertainty and new challenges.

Participants will learn about our natural threat response (stress), how that may be maladaptive in a knowledge economy, and how to change our mindset and response to stress in order to thrive and practice competently. Resources to help lawyers recognize the signs of potential mental health issues and how to get help will also be discussed.

**Break Free from Imposter Syndrome: Embrace Your Competent, Capable Self**

Imposter syndrome, a feeling of inadequacy that persists despite contrary evidence, can prevent an attorney from practicing competently. It can impact many skills necessary to competent lawyering including decision making, difficult conversations, and professionalism. And, it can lead either to a failure to be diligent (by procrastinating) or to over preparation and overwork leading to client dissatisfaction and damaging lawyer health and wellbeing. Why do so many attorneys fear being exposed as a fraud? Why the self-doubt and self-devaluation? In this seminar, you will learn:

* What neuroscience and psychology tell us about the prevalence of “imposter syndrome” and why is it more prevalent in high achievers.
* The costs of imposter syndrome on lawyers and firms and legal departments.
* The relationship between competence and confidence and why are both needed to practice competently.
* Practical strategies organizations, teams and individuals can use to break out of “imposter syndrome.”

**How To Work in a Distracted World – The Neuroscience of Focus and Habit**

What actually goes on in our brains in a distracted world? Brains are primed to process incoming stimuli for survival – but not for today’s “wired” technological world of smartphones, email, and instant communications. With overwhelming amounts of information and distractions, it is hard to give productive focus to critical cognitive tasks. We tend to default to habits, or hard wired, recognized patterns, which are not always aligned with our professional goals. What if we could learn not only to maintain and sustain focus but also to create new habits, or change? We will discuss current neuroscience research on using the brain’s wiring to conquer distractions and to focus on essential cognitive tasks.

**Understanding and Avoiding Attorney Burnout**

Leading legal teams and working with business units is demanding. Attorney burnout is a type of work-related stress – characterized by physical or emotional exhaustion – that can leave us unable to practice competently. And, while burnout is not a medical diagnosis, it may sometimes be related to depression and anxiety. In this session, we will discuss attorney wellness including:

* The causes of attorney burnout, and why attorneys are at high risk for mental health and substance abuse disorders
* How to spot signs of burnout, anxiety, and/or depression
* How the physical and emotional exhaustion characteristic of burnout impairs the ability to practice law competently
* How to prevent burnout or address burnout among attorneys

**When “It” Isn’t Enough: Mental Health and Substance Abuse Challenges in the Legal Profession**

Many lawyers who appear to be “successful” are struggling with depression, anxiety or other challenges. And, substance abuse is especially high in the legal field – perhaps as a form of “self-medication.” In this session, we will review the recent research regarding mental health and substance abuse in the legal profession. Our focus will be on strategies to remain a healthy lawyer, warning signs to watch for, and how to get help for yourself or others who may be struggling with these challenges.

**Lawyers In Trouble – Recognizing Impaired Attorneys and How to Help (may also be offered for ethics credit)**

Recent studies show that almost 20% of lawyers are struggling with either mental illness, substance abuse, or both. In addition, we continue to work longer in a profession that has changed greatly over the past 2 decades. In this session, we will discuss the implications of this research including:

* Identifying lawyers “in trouble”
* Duties of supervisory and subordinate attorneys
* Duties to report impaired lawyers
* Resources and steps to help ourselves and our colleagues

**Practicing Competently: Recognizing and Responding to Impaired Attorneys (With an Emphasis on Cognitive Decline)**

Rule 1.1 requires lawyers practice competently.  In this session, we will consider the rules regarding competence, supervision/supervisory attorneys, and requirements related to impaired attorneys. What might we observe in ourselves or our colleagues that might raise concerns regarding substance abuse or cognitive impairments?  And, how can we individuals, organizations, and members of bar organizations best help impaired colleagues while ensuring our clients receive competent advice?

**PROFESSIONAL AND COMMUNICATION SKILLS (may be qualified for CLE in some states)**

**Difficult Conversations: From Avoidance and Confrontation to Feedback and Problem Solving**

Why is it so hard to have conversations about issues vital to our goals? What are the common mistakes people make that turn a difficult discussion into a disaster? This seminar covers strategies to move from avoiding difficult conversations to preparing for and having tough conversations. How can you have a “learning” conversation instead?

**Influence Strategies – How to Change Minds and Move Others to Action**

This seminar begins with a look at Robert Cialdini’s work on Influence. How do you use the six principles of influence? What are your “go to” strategies and where do they work best? This session explores some of the differences – including across gender and culture -- in demonstrating competence, self-promotion, asking for resources, language communication choices, non-verbal communication, and dealing with confrontation. What strategies may work best to enable you to have important effects on someone or something? How can you better change minds or move others to action?

**VIRTUAL ADVOCACY**

**Remote Deposition Training: Taking Depositions**

A program on taking remote depositions. The program will include discussion of strategies and tips for preparing to take a remote deposition as well as conducting the examination itself, with lessons learned from recent experiences of Cooley lawyers.

**Remote Advocacy: Hearings, Mediations, and More**

A program on remote advocacy. The program will include discussion of strategies and tips on preparing for, and participating in, remote hearings and mediations, with lessons learned from recent experiences of Cooley lawyers.

**Remote Advocacy: Trials**

A program on remote trials. The program will include discussion of strategies and tips on preparing for, and participating in, remote trials, with lessons learned from recent experiences of Cooley lawyers.

Additional CLE categories (programs developed or in development):

**CIVILITY IN THE PROFESSION**

**Civility and Professionalism in the Legal Profession**

Since 2014, every CA lawyer has taken an oath related to civility. In this session, you will learn:

* Requirements of Bar Associations, regulatory agencies and Courts regarding lawyer civility and professionalism
* Importance of civility in the legal profession
* Disciplinary opinions and case law and consequences for lawyer incivility
* Practical tips to maintain civility in the face of jerks and bullies

**TECHNOLOGY IN PRACTICE OF LAW**

**Electronic Information: Competence, Confidentiality and Risks**

Clients and attorneys use digital information daily and communicate through a wide variety of applications. In this session, you will learn about:

* The requirements of Model Rules 1.1 and 1.6 regarding competence and confidentiality using different technologies
* Protecting confidentiality in use and transmittal of digital information
* Risks that attorney-client privilege and/or work product protection may be waived
* Understand obligations regarding the search and production of digital information in transactions, regulatory actions, and/or litigation
* Consider application of generative AI tools in legal practice

**Generative AI for Lawyers and Legal Departments**

**Managing Cybersecurity Incidents**

**Evidentiary Issues of Digital Evidence**