



25TH ANNIVERSARY  
**MCLE SPECTACULAR!**  
Friday, November 22, 2019



The CCCBA Woman's Section proudly presents...

**#13 The Power of Choice**  
**and Reducing Microaggressions**

Sylvia High - Aiming High, Inc.

Patanisha E. Davis - Key Counsel, P.C.

**AGENDA**

This program will help attorneys and legal professionals navigate best practices in their interactions with their clients, colleagues, opposing counselors and in the courtroom. Practitioners will become equipped with the tools to reduce adverse interactions with clients, staff and other professionals and use their power of choice to improve their communication skills and overall practice.

## SPEAKER BIOGRAPHIES



**Sylvia High**, Founder/CEO of Aiming High Inc., is an Author, Master Coach, and Training and Development Strategist with nearly 30 years of success, delivering content and context to help businesses and individuals thrive in any competitive environment. Sylvia is the author of ["The Little Book of Big Questions: A Journal in Self-Discovery,"](#) which

uses pointed questions to guide the reader toward self-introspection, self-discovery and outstanding achievement across all areas of life, including business and education. With extensive experience in change management, sales performance and employee engagement, Sylvia has led transformative corporate seminars around the world; and she delivers The Game Changer Workshop, her signature public training, in San Francisco, Los Angeles, Seattle, Washington DC, New York City and Atlanta several times a year. As the principal curriculum specialist for Aiming High, Inc. and many of its clients, Sylvia offers training solutions that support participants in identifying their hidden beliefs that either impede or accelerate achievement, and provides strategies for neutralizing perceived impediments.



**Patanisha E. Davis, Esq.** is an attorney and author of *Barren, But Not Broken: A Guide from Infertility to Adoption*. She is a native of Oakland, California. Patanisha's name means reconciler of differences and that is exactly what she does in her career. Patanisha is currently employed as a Partner with Key Counsel, P.C. Her primary practice areas are in Probate, Guardianships, Conservatorships, Civil Litigation and Adoption. Patanisha has a Bachelor of Arts Degree in Psychology from Historic Tuskegee

University and a Master of Arts in Organizational Psychology/Change Leadership from California School of Professional Psychology. She was a professor at her alma mater, John F. Kennedy University College of Law where she taught Legal Methods. She is currently obtaining her Doctorate in Religious Studies from Trinity College of Bible & Theological Seminary. Patanisha is known to manifest the impossible and works diligently to raise money for scholarship students attending law school and undergraduate school. Patanisha is very involved with in her community. She currently serves as the President of the Contra Costa County Bar Association's Women's Section Program Chair of the East County Section, and is a member of the Bar Associations Diversity Committee. Patanisha is very active at her church. She is very passionate about family creation by way of adoption and enjoys inspiring women suffering to live their best life! She is an adoptive mother of two wonderful boys – Justice, age 10 and Aiden, age 6.5. She enjoys traveling, singing, puzzling, and spending time with her family.

### Microaggressions Defined

“Microaggressions are the everyday verbal, non-verbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership. In many cases, these hidden message may invalidate the group identity or experiential reality of target persons, demean them on a personal or group level, communicate they are lesser human beings, suggest they do not belong with the majority group, threaten and in intimidate, or relegate them to inferior status and treatment.” Dr. Derald Wing Sue, Ph.D.

### Types of Microaggressions

**Microassault:** Microassaults are explicit derogations and purposeful discriminatory actions (essentially explicit racism or discrimination).

**Microinsult:** Microinsults are behavioral or verbal remarks that convey rudeness, insensitivity, and demean a person’s heritage or identity. Often subtle snubs outside the level of awareness of the perpetrator, microinsults clearly convey a hidden insulting message to the recipient.

**Microinvalidation:** Microinvalidations are verbal comments or behaviors that exclude, negate, or nullify the psychological thoughts, feelings, or experiential reality of a person; they are likely unintentional.

### Conduct Violative of the Rules of Professional Responsibility

American Bar Association CPR Policy Implementation Committee Variations of the ABA

#### Model Rules of Professional Conduct RULE 8.4: MISCONDUCT

**Rule 8.4: Misconduct** It is professional misconduct for a lawyer to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so

through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; (d) engage in conduct that is prejudicial to the administration of justice; (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

#### California: (Compared to Model Rules)

(a) violate these rules or the State Bar Act, knowingly assist, solicit, or induce another to do so, or do so through the acts of another; (b) Same as MR (c) adds “intentional” before “misrepresentation” (d) Same as MR (e) adds “the State Bar Act” (f) knowingly assist, solicit, or induce a judge or judicial officer in conduct that is a violation of an applicable code of judicial ethics or code of judicial conduct, or other law. For purposes of this rule, “judge” and “judicial officer” have the same meaning as in rule 3.5(c). Has not adopted MR (g). California addresses lawyer harassment and discrimination on Rule 8.4.1.



## **The Power of Choice**

***Choice: the act of selecting or making a decision when faced with two or more possibilities***

- 1) Every way that we are is a choice. Everything we do is a choice. Choosing not to choose is a choice.
- 2) We cannot always control what is happening. However, we have a choice about how we respond to what has happened or what is happening.
- 3) The desired outcome and your moral compass should determine your choice.
- 4) When emotions are high, logic is low. When we allow the influence of strong bias, history or hurts, we don't make the best choices. Rather, we respond and react automatically based on our filters /beliefs /assumptions, all of which are all based on the past... not in the moment.
- 5) Our intent when communicating is most important because it shapes and determines the impact, in spite of the appropriateness of the words used.
- 6) The key when communicating is to set your intention on being a contribution, even when there's conflict.

### ***Steps to Ensure That You Are Choosing and Not Just on Automatic***

- 1) **STOP:** Quiet your inner conversations, especially the competing dialogs the result in judgment, criticism, and thinking about how you are going to respond.
- 2) **LOOK:** "Get present." Focus on the person speaking. Hear what they are saying. Listen to what they are saying versus forming your opinion about what they are saying.
- 3) **CHOOSE:** Think about your desired outcome. What authentic response will be a bridge, not a barrier, to the desired outcome, especially in conflict?
- 4) **VOTE:** In other words, make a decision.
- 5) **DO IT:** Take action that aligns with the desired outcome.

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