

PRESIDENT'S MESSAGE

Doing Battle With 'Keyboard Warriors'

BY RICHARD DREITZER, PRESIDENT,
STATE BAR OF NEVADA



I recently heard a great term that captures a concept I have bumped up against many times in my years of practicing law, but I had never seen it phrased so succinctly – the concept of the “keyboard warrior.” By this, I mean, the person who expresses their opinions forcefully, even to the point of being overly aggressive or insulting, because they are doing so from the comfort of their own office, desk, and keyboard. In our culture, “keyboard warriors” are everywhere and fill comment sections across every social media outlet and webpage.

Of course, the irony of this concept is that as the anonymity of such commenters tends to fade, so, too, does their aggressive and insulting behavior. This makes sense. It is much harder and much more painful for a speaker to be rude to someone when looking them in the eye, than it is to do so at a distance. Social scientists refer to this as the “online disinhibition effect,” which they define as the absence of restraint one feels when communicating online as opposed to communicating directly with others. Interestingly, this phenomenon comes in two varieties – “benign online disinhibition,” referring to an individual’s willingness to disclose more about themselves online than offline, personal interactions (e.g., a means by which those who are chronically shy and socially phobic can connect more readily with others)

and “toxic disinhibition,” referring to a tendency toward aggressive posting and inappropriate behaviors that often contain vitriolic language, swearing, and, occasionally, threats. For more discussion on the social science behind these phenomena, I recommend “*The Online Disinhibition Effect*,” by John Suler, Ph.D., *Cyberpsychology & Behavior*, Vol. 7. No. 3, 2004.

Regrettably, in our esteemed profession, we have our own brand of “keyboard warrior,” and the behaviors we tend to see fall in the “toxic disinhibition” category. We’ve all experienced them – the person who denies reasonable extensions of case deadlines, refuses to negotiate and makes every message that you receive from them draining and unpleasant – again, from the comfort of their own office, desk, and keyboard. Yet, the next occasion you see them in person,

they are very often all “sweetness and light.”

For the sake of clarity, I am not equating online bullying or threats of actual violence with an opposing counsel’s refusal to agree to the extension of a deadline for submission of a brief. However, themes of aggressiveness fueled by anonymity and distance certainly connect behaviors of this kind with the more dangerous behaviors that fall under the heading of “toxic disinhibition.” Again, it is far easier to be a “jerk” to someone that you don’t have to look in the eye, irrespective of the context.

Over the years, as I have encountered my own share of such people, I have also developed my own strategies for dealing with such behavior and doing what I can do to salvage working relationships with other counsel, where possible. My small handbook for dealing with such situations is as follows:

- 1. Try to put yourself in their shoes:** Maybe they are having a bad day at work? Or a bad week? Or year? Maybe they are having struggles of some kind and are just at their limit with juggling personal and professional challenges? Many a time, if I wait long enough, the reasons for a toxic interaction with an opposing counsel will reveal themselves to me and I nod to myself and say “Ah – so, that’s why they did that ...” It surprises me how often this context eventually surfaces.
- 2. Don’t take the bait:** Others have said this, but if an opposing counsel’s “nasty-gram” really gets under your skin, just remember – your “draft” email subfolder is your best friend. Open an email and make all the snide and sarcastic comments you like (I mean really go for it) but save

it in your draft and **do NOT** hit “send.” If your perspective on the situation stays the same and the nastiness keeps coming, you can always send some or all of this content later. However, sleep on it first and see how you feel once some time has passed. In those situations where I felt the need to pour my venomous responses into a draft email, I have almost never had to send them out.

3. Just wait and see what happens. Grudges are hard to sustain and, as we all know, the extension or favor we are seeking today is the accommodation that will be sought from us, next time

around. Even if the person who has gotten under your skin has continued to be unpleasant to you, just remember – legal matters require some degree of collaboration with those you oppose. Even if it is to settle a case or discuss something simple, at the end of the day, we all have to interact with each other. Chances are that if others manage to forget that idea, the nature and press of our work will remind them.

4. Mix the negative with the positive. Reframe your outlook – for every unpleasant and nasty interaction you have with one attorney on one case, I’ll bet that you have other clients, cases, and issues that

you feel good about and where you enjoy the company of those with whom you interact. Just focus on those until your patience and good humor is restored.

If there is one thing we can all be sure of is that we will all face our share of “keyboard warriors” in our careers, regardless of the type of law we practice. Legal practice leads to stress and stress can lead to unkind and uncivil behavior. Yet, perhaps it might empower us to de-escalate this animosity to know that this phenomenon is common and have strategies at our fingertips as we encounter such conduct. Just some food for thought.

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690 Sierra Rose Drive • Reno, NV 89511 • 775-785-0088 • 22 State Route 208 • Yerington, NV 89447