



FLORIDA BAR NEWS

THE MINDFUL LAWYER: MINDFULNESS AND ANXIETY

By Scott Rogers ▶ Special to the News ▶ Columns

September 01, 2017



An important skill that develops through mindfulness practice is learning to discern between thoughts that are useful and warrant our attention, and those that are unhelpful, yet absorb our attention. Teasing these apart is clearly important for our productivity and wellbeing—yet can be challenging, especially when the content of the thoughts seems pertinent. This month’s question, posed by Christina, addresses the role mindfulness can play at these times.

Christina inquires:

I’ve been practicing law for two years and focus primarily on the areas of business permitting and regulatory compliance. I sometimes find myself turning a problem over in my head repeatedly until it starts to consume my attention for a whole day or longer, with no productive resolution. I’m interested in how mindfulness might be helpful when I find myself stuck in such a loop.

Christina’s question was put to Douglas Chermak, a longtime mindfulness practitioner who practices environmental law with Lozeau Drury LLP. Doug replies:

Great question, and please know that you are not alone. I think it’s the nature of the mind sometimes to get stuck on a challenging issue that is difficult to problem-solve and to dwell on it, even when doing so seems to get us nowhere. At these times, it can feel like you’re just sinking deeper and deeper into a pit. In my experience, mindfulness can be quite useful to skillfully manage such a situation.

In practicing mindfulness, we work on cultivating the capacity to be simply aware of our thoughts and mental activity — just knowing that the thoughts are happening, without getting fixated on their content or needing to figure them out. practicing sitting, breathing, and watching our thoughts, we begin to see that at some level we don’t really have any control over them. They just come and go, on their own. spending time observing this process, we develop greater mastery over momentary activity of the mind and are less likely to feel hostage to our thoughts.

This skill is relevant in the situation you describe. Sometimes it's just not helpful and can be counterproductive to dwell on an issue. We may need more information, more time to allow the issue to percolate, or to feel less stressed when working on it. What's needed is an ability to let go of our grip on the problem — or perhaps better said, the problem's grip on us. Through mindfulness practice, you become aware that thoughts are arising and continuing to surface, but instead of tackling them, you maintain awareness on the breath and notice the thoughts, and other mental activity, as they come and go.

A key part of this practice is being kind to ourselves and not blaming ourselves for not having an answer, or for having these thoughts in the first place. Observing thoughts and practicing kindness to ourselves, we can, little by little, become less attached to them and to let go of them (even if temporarily). When the thoughts invariably return, a space that's arisen between the arising of the thoughts and our "thinking" about them, affords us the opportunity to reflect on them in a more skillful way — perhaps with a clearer mind, a fresher perspective, or even a creative insight. Believe me, this is much easier to do after you've been practicing mindfulness for a while. I recommend setting aside some time each day to practice the kind of breath awareness exercise I mentioned above. In time, you'll more fully appreciate that you are in charge, rather than the problem being in charge of you.

In his response, Doug suggests practicing a "breath awareness" mindfulness exercise. If you'd like to listen to a guided breath awareness practice, ranging from between 1 and 15 minutes, visit this link: http://bit.ly/fbn_september.

Thanks to Christina and Doug for furthering our collective engagement in mindfulness and its application to our lives, personally and professionally. If you have a question about integrating mindfulness into the practice of law, send it to me at srogers@law.miami.edu. I'll present it to an attorney or judge who is experienced with the practice of mindfulness and we can all benefit from the exchange.



*Scott Rogers, M.S., J.D., is a nationally recognized leader in the area of mindfulness in law and founded and directs the University of Miami School of Law's Mindfulness in Law Program where he teaches mindful ethics, mindful leadership, mindfulness and negotiation, and mindfulness in law. He is the creator of Jurisight, one of the first CLE programs in the country to integrate mindfulness and neuroscience and conducts workshops and presentations on the role of mindfulness in legal education and across the legal profession. He is author of the recently released, **"The Mindful Law Student: A Mindfulness in Law Practice Guide,"** written for all audiences.*