



## FLORIDA BAR NEWS

# THE MINDFUL LAWYER: MINDFULNESS AND FEELING OVERWHELMED

By Scott Rogers ▶ Special to the News ▶ Columns

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As lawyers, judges, and members of the legal profession, we tend to work hard, care deeply, and take matters very seriously. Still, there are times when the circumstances of a case, perhaps coupled with events taking place in and outside of the law, can leave us feeling overwhelmed and dejected. It can be challenging to stay ahead of the game and, even though our skill set and capacity are more than enough to see us through, still, the stories we tell ourselves and the uncertainties that loom large in our profession, can get in the way of our maintaining a deep and abiding sense that things (and we) will be okay — even if they don't go the way we hope.

This week's question is one that touches on such moments:

*Sometimes a case I am working on feels like a David and Goliath battle and I can find myself feeling overwhelmed and insecure, like I am taking on something bigger than me. Any thoughts on how mindfulness can be helpful?*

I posed this important question to Patrick Palace. Patrick serves on the National Council for Bar Presidents (NCBP) Executive Council, is a former president of the Washington State Bar Association, and has integrated mindfulness into the practice of law.

Patrick offers this thoughtful reply that enlarges upon the way we can approach mindfulness as a vehicle for loosening the grip of worry:

*There are days when I have woken up nervous to the point of feeling nauseated about the day ahead of me. On these days, I may have a tough hearing, a clutch dep, a trial, or a seemingly impossible combination of speeches, travel, and conflict. Having navigated these days before during my 25 years of practice, here is how I prepare.*

RELAX AND BREATHE

*Stopping all movement and simply sitting quietly in the morning helps me to calm down and allows me to recognize what's going on in my body. For me it's therapeutic to breathe slowly in and out, to scan my body and let go of all clenching muscles; my hands, face, shoulders, and I even invite my tongue to stop pushing upward and simply rest. This sets me up to begin.*

#### OBSERVING THOUGHTS

*While sitting, my thoughts race, I have flights of ideas, fears, to-do lists flash, "wish I had done that" abound, and fear of failure creeps around. They all crowd together like a gathering storm. As I sit breathing slowly, one by one I grab each thought I notice and tag it. Often I will turn each into a ridiculous cartoon character. Opposing counsel may turn into a purple dinosaur that roars in a mouse voice. Anxiety over an unsolved contingency transforms into a pink, fluffy, shrunken-head chicken that runs in circles. One by one I tag them and send them to go wait outside my head. Each marches away, suitcase in hand, leaving my mind quieter, more peaceful and finally, as the last one walks away, I feel a sense of calm.*

#### OPENING THE MIND

*During these spans of quiet morning peace, when the white noise is gone or has lessened, I can sit and open my mind and wait for answers. It is often during this time, that strategies materialize without looking for them. Solutions seemingly fall into my head. As I continue to sit, I simply acknowledge these tools and continue to "empty" my mind.*

#### COLLECTING YOUR TOOLS

*When I'm done, I open my eyes slowly and often write a few notes so I don't forget my thoughts. Sometimes this leads to a flurry of creativity as answers continue to unfold and solutions become clearer. Whole areas of deep questioning appear, new approaches to witnesses are seen, and priorities are reordered. A calm, focused mind is a brilliant, creative tool; a tool that is necessary when facing hard days filled with exceptional challenges.*

#### REFLECTION & IMPLEMENTATION

*Often as I reflect back on all the worries I had when I started the day, it's obvious that most of them are of my own creation and by turning them into purple dinosaurs, pink chickens, and cross-eyed bucked tooth bunnies, I show them for what they are. And, once transformed, if I have to face them again during my day, I can do so with less anxiety, fear, or dread, and with a clear, focused, and confident mind. It seems*

*trite, but our moms were right all along. We really do have all the tools within us to do great things (starting with defeating the fearsome dino-chicken).*

Patrick's response weaves together mindfulness practice — paying attention and observing — with creativity — drawing upon the richness of the imagination — as a tool for transforming perspective and loosening the often too-tight grip we place on ourselves and the rigidity of beliefs that may not serve us well. Thank you, Patrick, for taking time to respond to this month's mindfulness inquiry.

In next month's column, we'll pose a question to an internationally regarded cognitive neuroscientist whose research focuses on mindfulness.

If you have a question about the science of mindfulness that you would like answered in this column, send it to [srogers@law.miami.edu](mailto:srogers@law.miami.edu).

(Rogers recently spoke on Alexandra "Cookie" Echsner-Rasmussen's "My Natural Beet" podcast at <https://lawganic.com/listen>. The episode discusses Present Moment Awareness in the Legal Profession.

"Scott was a wonderful guest and I hope that members of The Florida Bar will learn about our conversation and be able to learn something from it," Echsner-Rasmussen said.)



*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.*