



FLORIDA BAR NEWS

THE MINDFUL LAWYER: MAINTAINING PERSPECTIVE

By Scott Rogers ▶ Special to the News ▶ Columns

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The practice of law differs from many other high stress, high stakes professions in that it is adversarial by design. The battles waged, however, are not inherently personal, yet it can be all too easy to regard another's words and deeds as personal attacks, which can interfere with the purposeful, focused, and effective charge one is waging. Without much warning, reactivity runs high and intense emotions, such as fear and anger, can take hold and begin calling the shots. As this happens — and a growing number of lawyers and judges regard this as commonplace—the profession begins to feel lawless, and job satisfaction, motivation, and well being can become compromised.

This month's question is posed by Sophia, and speaks to the challenge of not getting sucked into the frequently painful and frustrating theatre that another's "bad" conduct may set in motion.

Sophia asks:

I really enjoy practicing law. There are definitely times, though, when it becomes unpleasant and I am interested in learning how mindfulness practice might help. Specifically, do you have suggestions for not internalizing and taking it personally when co-counsel or a third party acts in a disrespectful and abrasive manner. This is especially challenging for me when it happens unexpectedly.

I shared Sophia's question with Katie Mastrucci, who offers practical guidance on how we might more mindfully respond when confronted with unprofessional and inappropriate conduct. As more attorneys are learning about mindfulness and endeavoring to meaningfully bring its practice into their work lives, I thought to pose this question to Katie, whose interest in mindfulness blossomed over the past several years. The "real world" quality of her response and clarity of her words inspires me, and I hope will inspire many readers, especially those just beginning to learn of mindfulness.

Katie replies:

For me, the one truly unpleasant aspect of the practice of law is when I am forced to interact with people whom I find to be very unpleasant. More often than not, they are opposing counsel. Sometimes they write rude emails, dripping with condescension. Sometimes they are deceptive, agreeing to one thing but then doing another. Other times, they are needlessly combative, filing meritless motions for sanctions filled with inflammatory language. And lest that not be enough, they may even question your integrity and baselessly accuse you of unethical conduct. Other members of your professional circle — your colleagues, co-counsel, or supervising attorneys — may also act in ways that are similarly disrespectful. When I have an unpleasant encounter with such a person and feel my blood start to boil or my eyes start to water, I invoke a few mindfulness practices to help regain perspective and not take this person's misbehavior personally:

- First, I close my eyes, and take a few deep breaths. The simple act of sitting and focusing on my breath for just a few moments helps me to gain a little emotional distance from the troubling encounter I just experienced.*
- Second, I “take a step back” and assess my emotions, observing the different feelings that are arising. Anger? Frustration? Hurt? Embarrassment? Whatever I am feeling — by turning my attention toward it, as if a witness to my own experience, I am better able to accept it. Moreover, I recognize that my feelings — whatever they may be in the present moment — do not make me weak. Rather, my current emotional state is normal, natural, and eminently human. And, in time, these emotions will pass.*
- Once I have gained greater insight into this troubling encounter, I shift my focus to the “bad” actor. I remind myself that their inappropriate and unprofessional conduct, which I may (or may not) have to respond to in a firm and decisive manner, is quite possibly a symptom of an underlying issue with which they are grappling, whether it be insecurity, stress, personal issues, or poor tutelage.*

And in that final realization I gain even greater distance from this emotional ordeal; and I realize it is not personal to me. This insight frees me to move on, knowing that peace of mind — just like happiness — is a choice I make and that the only actions which define me are my own.

Thank you, Sophia for submitting a question that has become paramount on the minds of so many attorneys. And thank you, Katie for helping to further illuminate mindfulness practices and the ways we

can draw upon our own inner wisdom and guidance to navigate challenging situations and people. Katie Mastrucci practices law at Shook, Hardy & Bacon LPP, where she focuses on pharmaceutical and medical device product liability, and environmental/toxic tort litigation. I am grateful to Katie for contributing to this column, and for playing a meaningful role in bringing mindfulness more fully into our profession.

If you have a question about integrating mindfulness into the practice of law that you would like answered in this column, send it to srogers@law.miami.edu.



*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.*