



## FLORIDA BAR NEWS

# THE MINDFUL LAWYER: INSIGHTS FROM A THREE-AND-A-HALF-YEAR MEDITATION RETREAT

By Scott Rogers ▶ Special to the News ▶ Columns

June 22, 2020



One of the reasons for the legal profession's interest in mindfulness is the popularization of scientific research examining changes in brain structure and function associated with meditation. Some of the most compelling findings from early work in this area came from monks who had meditated over the course of many years for upwards to 50,000 hours. Initially it raised the questions whether there was something unique about their brains that explained these results, and if not, was meaningful change reserved only for those who committed themselves to a lifetime of practice? We know now that neuroplastic changes to the structure and function of the brain are available to all of us.

Tony Recio, a partner with the South Florida firm Weiss Serota Helfman Cole & Bierman has been practicing law for more than 15 years, not taking into account the last three-and-a-half-years he spent immersed in meditation, to the exclusion of just about everything else. In this respect he is like one of the monks, yet he is well acquainted with the life of the lawyer living in 21st century America. Knowing that the window of opportunity would soon close, he made the decision — having serious heart-to-heart conversations with family, friends, and partners — to travel across the country and spend more than three years at a monastery, isolated from technology, society, and everyday conveniences, to deepen his meditative practice and come to better know himself. He always planned to return to the practice of law, though he did not expect that his return from self-imposed isolation would meet up with a global turn toward isolation.

This month we have the opportunity for Tony to share with us some of the lessons he learned as a helpful pointer for those of us interested in learning more about meditation and possibly starting a practice.

MANY PEOPLE ARE INTERESTED IN MEDITATING TO FEEL LESS STRESSED. YOUR THREE-AND-ONE-HALF-YEARS JOURNEY INVOLVED A GREAT DEAL OF MEDITATING. WAS YOUR PRIMARY REASON STRESS REDUCTION OR IS THERE MORE?



*It certainly wasn't about stress reduction. Far from it. If that was my intention, I may have been better served going to a spa! No, I was looking for something different — to better define my purpose in life, to better develop tools to serve that purpose, to better understand and direct my mind towards achieving that purpose rather than be whipped around by the frenetic whims of impulsiveness and reactivity, to gain more clarity and steadfastness in the face of change and uncertainty.*

*There is no problem with engaging in meditation for stress reduction; it definitely helps with that. However, even if one starts meditating to relax, they are likely to realize that there are a whole lot of other perks. A big one for me is an increased appreciation for the extent to which judgment — of myself, of others, and about all manner of interactions — colors my impressions and actions. In meditation we cultivate awareness without judgment. Suspending judgment in this way allows us to see other perspectives, along with subtle influences and motivations, all of which contribute to greater empathy, creativity, and flexibility.*

#### CAN YOU ELABORATE ON THE POTENTIAL FOR MEANINGFUL SHIFTS IN THE INTERPERSONAL REALM?

*I think we often take for granted or fail to realize the degree to which the quality of an interpersonal interaction is influenced by ourselves — on our beliefs, pre-judgments, moods, interests — which colors the interaction or the way we perceive the person we are dealing with. While different philosophical schools can debate the existence of objective reality, our day-to-day relationship to it is mediated entirely through our own subjective experience. Thus, any interaction — from the simplest greeting to the most complex negotiation — will be filtered, experienced, interpreted, and acted upon from within that frame. Adding to this complexity, our biases and perspectives are also changing right along with each interaction.*

*With that as background, the ability to notice how we, ourselves, impact our understanding of a situation or interaction becomes very valuable. It allows us to notice things we otherwise might not see: the different premises that opposing parties in a given interaction are bringing to the table or the different motivations and interpretations they may have. Through this, we gain a greater perspective, a greater capacity for understanding a situation from multiple points of view, and a greater degree of objectivity in*

*evaluating our own role in these interactions. Meditation allows us to “slow the mind down” in order to appreciate this, initially noticing these factors upon after-the-fact reflection and eventually doing it in real time, while the interactions are happening. In doing so, we become less reactive amid difficult situations and more skillful in how best to address them.*

WHAT PRACTICES WOULD YOU RECOMMEND THAT OTHERS TRY AND WHAT TIPS DO YOU HAVE FOR PEOPLE TO GET STARTED?

*I am a proponent of “calm-abiding” meditation. This type of meditation has historically been taught in several traditional settings like Buddhism and certain Hindu schools, but elements of it have made their way into many types of modern secular mindfulness instruction. I would also encourage people interested in meditation to engage the wealth of resources available online or in the community, signing up for an ongoing class or a seminar. Explore and find a setting and perspective that feels comfortable. For me that began with Tibetan Buddhism before moving to a more secular context, but each person will have their own leanings.*

*Beyond getting the basic instruction, everything starts from intention, so the first thing I would recommend for those who want to start a meditation practice is to formulate a strong commitment to engage in the practice. The next thing, which plays off of that strong commitment, is to be consistent, practicing at least once every day. The third aspect is to be realistic and not over commit. Start with 10 minutes, and maybe add a minute each week. Evaluate things at the end of a month or two. Our initial enthusiasm can lead to an unsustainable pace that may seem easy at first, but lead to difficulty when enthusiasm wanes. On those days when we really don't feel like doing it, or have other responsibilities tugging at our attention, it is much easier to persevere through 10 or 15 minutes than devote an hour or more.*

*Finally, remember to cultivate an attitude of nonjudgment and patience, experiencing the inevitable ups and downs as just that, inevitable, and not making them into more than they are. Meditation is not easy all of the time. Some days it takes place with little effort, while other days it seems impossible to concentrate. Some days the emotions that arise are incredibly light and life-affirming, and other days our thoughts can be dark and full of regret or self-recrimination. The more patient we are with ourselves and the more we grow in our capacity to experience without judgment, the more we will notice that these ups and downs are simply part of our awareness, a dynamic flux of thoughts, emotions, and sensory*

*information, constant only in its unrelenting change. So, be easy on yourself, forgiving, and accepting, with some good humor mixed in. This is the opposite of being rigid. As one famed Tibetan master told his students, "This is much too important to take it so seriously."*

#### WELCOME HOME, WHAT'S IT LIKE BEING BACK?

*Obviously, the last few months have been hard for all of us, as we face difficult moments, asking difficult questions, and acknowledging and confronting uncomfortable truths. These moments spur growth, and growth can be painful. Growth is necessary though. After spending about four years away, I'm very grateful to again be a participant in that growth with my family and community, an active part of the process.*

I am grateful to Tony for taking the time to share insights from his many years of practicing both law and meditation. Shortly after his return in early March he offered a mindfulness webinar on behalf of his firm and the Cuban American Bar Association. You can view that [video here](#). At 13:00 Tony guides a calm abiding practice.

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