



FLORIDA BAR NEWS

THE RELEVANCE OF MINDFULNESS TO THE WORK OF LEGAL PROFESSIONALS

By Scott Rogers ▶ Special to the News ▶ Columns

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This month I'd like to reacquaint you with one of the world's leading authorities on the science of mindfulness. Dr. Amishi Jha is a cognitive neuroscientist who, back in 2018 contributed to [this column](#) by responding to a reader's question on the influence of mindfulness practices on the brain. Her just released book, "Peak Mind: Find Your Focus, Own Your Attention, Invest 12 Minutes A Day," brilliantly bridges

the science and practice of mindfulness, and can be a useful read to better understand the role of mindfulness and attention (she is also an attention researcher) in optimizing cognitive performance, mental health, and social connection.

Over the past decade, I have had the privilege of collaborating with Amishi on numerous research projects exploring the enduring brain and behavior changes that can accompany mindfulness-training programs, and she has generously contributed her time to sharing mindfulness with lawyers and judges at bench and bar conferences, in bar journals, and with students at the University of Miami School of Law. With the release of her new book, I asked Amishi a few questions addressing the relevance of mindfulness to the work of legal professionals drawing on one of her primary takeaways: that attention is powerful, vulnerable, and trainable.

The ability to focus and think straight is crucial to the practice of law. How do these capacities get disrupted?

Think of your focus like a flashlight. You can point it where you choose, and whatever it shines on appears clear and crisp, just like a beam of light on a darkened path. But your focus can easily get derailed. Imagine being on that same path and hearing a strange sound behind you. Chances are you'll abruptly turn and point the flashlight toward the sound. Just as a novel and potentially threatening sound can yank the flashlight of attention away from an intended target, *threatening thoughts* can also yank it

away. In fact, research finds that stress, threat, and negative mood are three powerful forms of kryptonite for our focus.

Given how shaky attention can be, how can lawyers reclaim a peak mind in clutch moments?

The first step to regaining our focus is to know that it is vulnerable to such kryptonite conditions in our environment *as well as* those generated by our own minds. The second step is to know that focus, even without such challenges, will never be unwavering. Many studies now suggest that our focus is off task 50% of our waking moments. The third step is to train for better focus.

How can we do this? By practicing noticing where our focus is, moment-by-moment. In *Peak Mind* I offer a practice called “Find Your Flashlight” that guides readers to practice selecting a target for their focus (such as breath-related sensations) and dedicate 12 or so minutes a day to practice not only focusing on this target, but practice noticing if attention has wandered away, so that it can be redirected back to the target. Focus, notice, redirect, and repeat. With these daily push-ups for the mind, we’ll be better able to reclaim our focus when it matters most.

Lawyers can spend countless hours reading complicated material, sorting through and remembering an enormous number of facts, and putting together arguments to make their case. This can be mentally exhausting. How can we maintain a peak mind while doing this work?

You’re referring to “attentional endurance,” which is the capacity to focus (and re-focus) our attention on the task-at-hand. Attention is a limited resource and it is immensely important to ensure that the conditions in which we engage in *mentally exhausting* work are optimized for success. One common pitfall is setting up our work environment to encourage multi-tasking instead of monotasking. As you have probably heard, multi-tasking is a myth. What we actually do is task-switching, which can be exhausting. Notice that the term *focus* is singular (we only have one flashlight of attention). While you may not realize it, you can only direct it toward one task at a time, and when you shift to another, you disengage and then reengage, back and forth. You aren’t shining two flashlights on two tasks simultaneously! When all of your focus is needed to sort through complex information and remember it, turn off notifications, and engage in serial monotasking for better results.

If you really need to do more than one attentionally demanding task at the same time, remember that there will be a lag in your performance. Think of it as the cost of re-entry from one task to the next. Do not add to that lag by further berating yourself for not being able to do two things at once. Just shift back and begin again.

There are times when sitting and reflecting on a case or a problem can be very productive. But this can be hard to do when a racing mind and restlessness sets in. How can we tap into our peak mind during such moments?

If you *notice* that your mind is racing, think of it as a win. *You are aware* of a rapidly wavering attention, which means you can do something about it. When such a moment arises but you are finding it difficult to redirect your focus back to the task-at-hand, try taking a “birds-eye view” of the situation. This can be done in three simple steps:

Step 1: Get the Data. Observe yourself and the situation at a distance, as if your flashlight of attention is hovering above and shining on you. This is a way to get the raw data of what you are experiencing, not an analysis of it.

Step 2: Replace. Watch your inner dialogue and distance yourself from it. It helps to replace “I” statements with “you” or your name. Better yet, just notice what is coming up, e.g., “ [Insert your name] thinks she/he/they can’t get this done. [Insert your name] is concerned that things won’t go well.”

Step 3: Remember that Thoughts Come and Go. As thoughts bubble up, remember that thoughts are merely constructions in your mind; they will appear and they will fade away. If helpful, picture each of the racing thoughts as a bubble, floating away into the sky.

By allowing troubling and distracting mental content to pass away, you are giving yourself some distance from it. With this distance, you will be much more likely to redirect your attention to the task at hand. Note that this is not about suppressing or denying what you are experiencing. This is about remembering that thoughts are not facts, and while the thoughts are present in your mind in this moment, they will not remain there forever.

Is there a short mindfulness practice would you recommend for someone who is feeling unfocused or restless?

The only way to *find your focus* when you are lost in thought or hijacked by a stressful or disturbing thought is to look for it. Do this short practice multiple times a day as a way to check in with your attention.

S=Stop what you are doing.

T=Take a breath.

O=Observe what is happening within you and around you.

P=Proceed.

Think of this as a go-to exercise that will allow you to return to the present with the flashlight of your focus right here with you, so you can direct it where you need it.

I am grateful to Amishi for taking the time to respond to these questions and hope that you find them helpful. You can learn more about Dr. Amishi Jha and her book “Peak Mind” by visiting <http://amishi.com> as well as by listening to her on some of today’s most popular podcasts. Her book is featured at this year’s Miami Book Fair and [I will be in conversation with her](#) this November talking about her important book. You may also enjoy reading [“The Science of Mindfulness and the Practice of Law”](#) a piece she and I penned for the ABA Journal in its July 2019 issue on “Mindfulness & Lawyer Wellbeing.”.



*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.*