



The Mindful Lawyer

By Robert Zeglovitch

Jim, a litigator with a busy practice, spends 20 minutes each morning practicing something called mindfulness meditation. He sits upright — sometimes on a meditation cushion and sometimes on a chair. He has no particular agenda for these sessions — he simply follows his breath as it flows in and out. As he sits today, thoughts come up about strategy options in one of his cases. Jim simply notices that he is thinking about this and then watches the movement of his thoughts as if they were clouds in the sky. When he realizes his thinking has moved from his breath, he once again simply follows its flow. At the conclusion of his session, he gets up and takes a moment to appreciate the sunrise before eating breakfast.

When Jim gets to the office, he uses the minute it takes his computer to boot up to sit in his chair and look at the sky outside his office window. Then he launches into his day. Later in the morning, Jim takes a call from an especially difficult opposing counsel. His adversary quickly begins to rip into Jim, and Jim flares into attack mode. As he notices this, he becomes aware that he is clenching his jaw and holding his breath, which prompts him to notice that he is feeling angry. Jim takes a moment or two to breathe, then defuses the contentious conversation by suggesting they both put their respective positions in writing before they consult again.

In the afternoon, Jim has a scheduled meeting with a very anxious and depressed client. When the receptionist advises Jim that she has arrived, he decides not to rush out to meet her immediately; instead, he sits for a minute and follows his breath. When he goes to greet the client, he feels centered and calm. He is aware that his presence and his presentation will have an impact on how the client relates to him. From time to time during their meeting, Jim becomes aware that he is making negative judgments about the client's personality. He simply notes his judgments and brings his attention back to her, once again listening closely.

After a tough day at the office, Jim arrives at home. He is aware as he pulls into the garage that he is still thinking about work. He sits in his car for a minute or so, noticing his body and his breath and letting go of his thoughts. He enters the house ready to be at home and present for his family.

An Ancient Solution Updated

Interest in meditation is growing in the United States as individuals look for ways to ground themselves in an increasingly fast-paced and stressful culture. Meditation has been featured on the cover of *Time* magazine and the front page of *The Wall Street Journal*. The Chicago Bulls and the Los Angeles Lakers, under the guidance of Coach Phil Jackson, have used meditation to enhance their performance on the basketball court. Major corporations offer courses in meditation to their employees as a tool to help reduce stress and enhance performance and job satisfaction. Health care providers increasingly use meditation and other mind/body practices as alternative treatments for ailments as diverse as arthritis and alcoholism. The time is right for lawyers, too, to utilize meditation to help them respond more constructively to the stresses of law practice and to function at their highest level.

The particular style of meditation described in the introduction to this article is mindfulness meditation. Mindfulness is at the core of Buddhist meditative traditions more than 2,000 years old. The essence of mindfulness, however, is com-

pletely secular. It can be practiced in any context, by members of any religion, philosophy, or belief system, or of none.

Mindfulness involves deliberately paying attention in the present moment, without the usual judgments that humans make about our experience. A great deal of energy and attention is regularly focused on thoughts and feelings about the past or future. Lawyers are especially accustomed to worrying about the implications of past decisions or events, or to feeling anxiety about possible future events that may affect their clients, themselves, or their practice. In mindfulness, attention is directed at what is happening right here and right now.

By being mindful of thoughts, feelings, physical sensations, and interactions with others, people are less likely to be carried away by them. Paying attention in this way helps individuals experience their lives more directly and fully and to feel more connected to others. Mindfulness can enhance creative potential and the ability to respond to the demands of the moment.

Although mindfulness can be practiced informally throughout the day, it is enhanced and supported by the formal practice of meditation. There is nothing mystical or exotic about meditation. Forget the stereotyped images of monks in robes or people gazing at candles. You can practice meditation in business attire, sitting in your office chair.

Lessons from Hospitals and Laboratories

You needn't take it on faith that mindfulness and meditation yield positive benefits. Science and medicine are validating the link between these practices and improved health. For the past 25 years, Jon Kabat-Zinn and his colleagues at the Center for Mindfulness (CFM) at the University of Massachusetts Medical Center have used mindfulness and meditation to help patients with chronic pain and stress. The model pioneered by Kabat-Zinn is called mindfulness-based stress reduction (MBSR) and employs formal seated meditation, mindful yoga, and daily exercises in mindfulness during an eight-week period.

Thousands of patients with diverse conditions such as cancer, heart disease, anxiety disorder, chronic back pain, headaches, and depression have completed the MBSR program at the CFM. Many of these patients had not been able to obtain relief through traditional medicine. Kabat-Zinn and his colleagues have published a number of papers in peer-reviewed medical journals and in textbooks that establish the significant reduction in pain and stress symptoms patients experience from using the MBSR program. The model has spread throughout the country and the world and is utilized by numerous clinics at medical facilities.

Recently, Richard Davidson, director of the Lab for Affective Neuroscience and Waisman Lab for Brain Imaging and

Behavior at the University of Wisconsin-Madison, published research that documented the effects of meditation on the brain and on the immune system. Davidson, in collaboration with Kabat-Zinn, studied two groups of employees at a Wisconsin workplace. One group went through an eight-week MBSR course and the other did not. Davidson performed brain scans on both groups before the course started, at its conclusion, and four months after conclusion. All participants in the study received a flu vaccine at the conclusion of the course. Davidson and his colleagues drew the participants' blood in order to measure immune response three to five weeks after the vaccine and again eight to nine weeks after the conclusion of the course.

The brain scans performed before the MBSR course showed no statistical difference between the two groups in EEG activation in the area of the brain associated with positive emotions. Four months after the end of the course, however, the meditation group showed significantly elevated levels in this area of the brain. In addition, the meditation group showed a markedly higher immune response to the flu vaccine than the group of non-meditators.

Mindful Lawyering

The idea that lawyers would be drawn to the practice of meditation may seem counter-intuitive, but I have learned through personal experience that lawyers have a natural affinity for it. I have trained in Zen meditation for many years and find that it helps me stay balanced amid the stresses and strains of lawyering. In 2003, I followed my intuition and offered a series of mindfulness meditation classes, based loosely on the MBSR model, at my then-current, large Minneapolis law firm. I had no idea what type of response I would get from a fairly traditional institution, but one day later I had 17 lawyers signed up for the eight-week course. I eventually taught three cycles of the course; approximately one-third of the firm's lawyers either participated or expressed interest in doing so. This suggested to me that there is a deep hunger within our profession for balance and nourishment at a fundamental level.

A number of factors inherent in law practice make mindfulness and meditation particularly well suited to lawyers:

- Lawyers suffer from stress-related health conditions at an alarmingly high rate. We are two to three times more likely to become depressed or chemically dependent than the average adult. Cultivating a habit with proven links to the reduction of the negative effects of stress makes good sense. Lawyers need to take a more proactive interest in their own health.
- Lawyers are highly goal oriented. We measure ourselves, sometimes relentlessly. Mindfulness goes beyond success

and failure. Meditation practice has no expectations of outcome; the goal is simply to be. The process itself is the goal: being fully present regardless of daily experience. Lawyers can benefit from regularly setting aside a mind consumed by winning and losing.

- Lawyers are driven by time. We are chronically on deadline and overbooked. We record our time in fractions of an hour in order to establish our incomes. Mindfulness meditation affords an opportunity to experience time in a completely different, non-linear way. When consciousness rests in the present moment, our sense of time can drop away.
- Lawyers tend to be judgmental. Although this is a necessary skill in our profession, it can be corrosive when turned on others or ourselves. Mindfulness meditation encourages the cultivation of a deep acceptance of things as they are, instead of our habitual judgment of our experience. This does not mean that the mindful lawyer stops being a zealous and effective advocate — many famous Zen masters were renowned for their ferocious presence. The practice of loosening judgment's hold can help develop qualities that are diminished or have been neglected: wisdom, tolerance, and compassion.
- Lawyers are trained to think their way out of problems. Our ability to construct compelling arguments is a wonderful skill, but not all of our problems can be solved by thinking and arguing. Mindfulness meditation draws on innate awareness that is prior to thinking and language.

Lawyers across the country are beginning to recognize the benefits of mindfulness meditation. An organization called the Center for Contemplative Mind in Society (<http://contemplativemind.org/programs/law>) has been sponsoring meditation retreats for lawyers, law students, judges, and professors for a number of years. These retreats bring together legal professionals from across the country to meditate and engage in mindful dialogue about the profession. At least 11 American law schools have offered meditation courses or workshops for students and faculty. Harvard Law School sponsored a major symposium on mindfulness. These are just a sampling of the connections that are being made between the disciplines of law and meditation.

Getting Started

If you are interested in taking up the practice of mindfulness meditation, try to find an instructor. MBSR classes can be found in many communities — run a search online using the name of the closest city and the word mindfulness. Many meditation centers exist throughout the United States, and most offer some type of meditation instruction, often in conjunction with Bud-

dhist traditions and thought. Even if you are not interested in the spiritual practices, you can still benefit from learning the meditation techniques. If you cannot locate an MBSR class or meditation center near you, try some reading and practice on your own. But be careful — peace of mind may be addictive.

Breath Meditation

Sit on a chair with your spine straight, shoulders relaxed, and feet flat on the floor. If you can, sit a bit forward on the chair instead of using its back to support you. Align your head so that it is not bent toward your back or nodding forward. Close your eyes or leave them open just slightly. Become aware of the sensation of your body sitting on the chair and notice any other physical sensations that arise, without trying to change anything. Pay attention to your breath as it moves in and out of the body (there is no need to breathe in any special way). If you like, you can silently say the words “in” and “out” as you breathe. You may also wish to direct your attention to the place in the body where your breath is most pronounced — this might be in the rising and falling of your belly, expansion and contraction of your rib cage, or the sensation of air moving in and out at the tip of your nose. When your mind wanders, simply notice that you are thinking, without judging whether you are succeeding or failing, and then gently direct your attention back to your breath.

Walking Meditation

You can practice mindfulness meditation while walking to and from anywhere — even the bathroom. Walk a little more slowly than your normal pace — not enough to be noticed but just enough to be more aware of your movements. As you walk, notice your breathing and also the sensation of your feet on the floor. Continue your awareness of the breath while you are in the bathroom. You can also be aware of the sound of water coming out of the faucet and the sensation of it on your hands as you wash. Return to your desk at this slightly slower pace, paying attention to your feet and breath until you resume your previous activity.

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Further Resources

Below are some helpful publications by Jon Kabat-Zinn, an influential and prolific author in the field:

Wherever You Go, There You Are: Mindfulness Meditation in Everyday Life
 (New York: Hyperion, 1994)
 by Jon Kabat-Zinn

Full Catastrophe Living: Using the Wisdom of Your Body and Mind to Face Stress, Pain, and Illness
 (New York: Dell, 1990)
 by Jon Kabat-Zinn

www.mindfulnessstapes.com
 (features recordings and guided meditations by Jon Kabat-Zinn)

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