Mindfulness for Lawyers

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Mindfulness means to pay attention in a particular way without preference or judgment. As Sharon Salzberg explains, when you're paying attention mindfully, you're "doing so in a certain way—with balance and equanimity, and without judgment. Mindfulness is the practice of paying attention in a way that creates space for insight." For lawyers, mindfulness is a powerful tool.

Let's start with an example. Imagine that you're sitting in your office and the phone rings. You look at the Caller ID and it's your least favorite opposing counsel. You know the type – the person that's always difficult to work with, the one that gets under your skin, the person you wish wasn't in your life. What is your default reaction? Do you answer the phone and say "now what do you want?" or maybe you choose not to answer. Now, let's slow down and examine what is happening both in your mind and body.

When you see the name pop up on the Caller ID, what do you notice in your body? Does your stomach tighten? Do your shoulders inch their way up to your ears? Are you breathing faster? Do your palms get sweaty? How about your mind? Does your mind start to race running through all the reasons why he might be calling, rehearsing your response, or perhaps thinking of all the annoying things he's done to you?

Much of what happens in our body when we're undergoing a stressful situation (such as your opposing counsel calling) is part of the Fight or Flight response. It's great for keeping you safe in case a saber-toothed tiger is chasing after you. However, it's not so useful when you're about to answer the phone.

The Mindful Response

Now, let's look at this example through a mindfulness lens. The first part of understanding mindfulness is to pay attention. This means simply noticing all the physical, emotional and psychological responses, in a particular way. It means to look at the situation with mental calmness or equanimity. It can also mean to look at the situation through the lens of your highest aspiration, such that you always approach each situation with dignity, respect, compassion, or whatever you aspire toward.

Without preference is referring to our mind's tendency to struggle against what is happening. You wish this opposing counsel wasn't calling. You wish you can change her. You wish she wasn't your opposing counsel. Letting go of our mind's preference to want

this—but not that, this is part of the mindfulness practice. Mindfulness for lawyers means letting go.

Without judgment means letting go of your mind's natural tendency to label things as good or bad. Going back to the example, you probably hold judgments against your opposing counsel, and perhaps even towards yourself. You might tell yourself things like "stop being so weak!"

Mindfulness enables legal practitioners to pay attention to what is happening and respond from their best selves.

How Mindfulness Helps

Practicing mindfulness as legal professionals can increase focus and productivity because we are training our attention to be with what is instead of the story that we create. For example, if your secretary interrupts you while you're working on a Motion to Dismiss, you can either accept that the interruption already occurred and respond to the situation, then get back to work. You can also stay engaged in a long dialogue in your mind about how she's constantly interrupting you, or some other misgiving you have against her. Which is more conducive to focus and productivity? The answer is obvious.

When we're mindful, we're paying attention to the now. Instead of having your mind go off thinking about your opening statement at the trial as you draft the Complaint, you can put all of your attention to writing the Complaint (unless, of course, this actually aids you in drafting the Complaint). Instead of worrying about the opposing side's Motion to Dismiss, you can devote all of your attention to writing the Complaint.

Similarly, you can stay focused when you're spending time with your family and enjoying their company instead of worrying about all the work that's waiting for you at the office.

In other words, by definition, when you are being mindful, you are recognizing when you are engaging in unproductive or unfocused behavior (such as rumination, worrying, distraction) and redirecting your attention to the matter at hand—paying dividends for yourself and those you represent.

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