

THE RECORDER

Stopping the War Within: Mindfulness as Stress Relief for Lawyers



Judi Cohen

Lawyers wrote the book on stress. We work excruciatingly long hours — 24/7-availability is the standard. Each piece of advice has to be right, every time.

Some stress in the law is inevitable, even useful. But hating the grind, longing to be present for our families, the constant fear of being wrong — these states of mind are not. For too many lawyers, the frequent diet of hate, longing and fear — the endless war within — is lethal.

To make matters worse, analysis-based ‘thinking like a lawyer’ leaves little room for emotions. But emotions emerge elsewhere, and not productively. They surface insidiously, in needing a few drinks every night. Or they burst in temper tantrums. Or they creep in, as a feeling of having lost something essential.

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How could it be otherwise when we live surrounded by conflict? Everyone is a potential adversary. Each event is a competition. We constantly scan for vulnerability in others, yet carefully hide our own. The domain of attack, defend and counterattack is our whole world. It’s not that we choose to be paranoid and disputatious. It’s that we are trained soldiers, forever deployed.

Disillusionment plays a role as well. The law can be used to advocate almost any position. If we feel powerless to choose our clients we can find ourselves working on cases we don’t believe in. To stay sane we rationalize, abandoning our sense of right and wrong, diluting our values. Our once and future ideals become a distant mirage.

In the end the law may offer big extrinsic, monetary rewards. But — and this is perhaps the most stressful thing about being a lawyer — our work loses its intrinsic meaning. We no longer know, or care, why we practice.

Mindfulness can mitigate some of this stress. It does not make the hours shorter or the clients less demanding. However, it shows us how our minds work.

Practicing mindfulness helps us create stability of mind, even under extreme stress. We can use the practice to become less reactive and more intentional about which states of mind to employ. Practicing mindfulness allows us to create a more connected, heartfelt practice of law, and thereby stop the internal battle. If we are diligent, we can

use mindfulness as a tool to rediscover the intrinsic meaning in being a lawyer.

Mindfulness is two things. First, it is the process of increasing awareness by setting aside time each day to pay attention to the present moment in an open, nonjudgmental way. Second, it is importing that awareness into the law.

Both aspects of the practice of mindfulness have their roots in religious and wisdom traditions, most notably in Buddhist meditation. But mindfulness is neither a religion nor a belief system. It is a skill like critical thinking that, once learned, becomes indispensable.

To cultivate the skill of mindfulness, we begin with observing how the mind works. Taking 10 or 20 minutes each day to sit quietly and focus on the breath in a relaxed, friendly way is the best way to begin. The word “focus” is from the Latin for “hearth” or “fireplace.” Mindfully focusing on the breath is like staring into a fire. We take a soft, spacious view, watching each breath from the bottom of the in-breath to the pause at the top, and then out, to the pause at the bottom of the out-breath.

Mindfulness meditation is not about paying attention to the concept of the breath. Rather, it is about following the physical breath with great curiosity as to its texture, temperature and other sensations. These may include the cool flow of air at the nostrils, or the rising and falling of the belly or chest.

The quality of attention we are after in mindfulness meditation is different from

bearing down mentally like we might on a case. When we write a memorandum we force the mind to exclude from our field of awareness all extraneous thoughts. In mindfulness practice we acknowledge the futility of that effort.

In fact, the first thing we observe when we practice mindfulness meditation is that the untrained mind is not cooperative. Instead of paying attention to each breath, the mind swerves off. It reaches into the future, worries about the past, or judges meditation a waste of time. There can be an almost physical pulling towards a perceived need to produce rather than rest in the present moment.

The untrained mind of a lawyer has many tricks to avoid staying in the present moment. It has been trained to “do,” not “be.”

None of this is a problem. Observing the wandering mind is the first task of mindfulness practice. And the way in which we observe the wandering mind is the key.

The heart beats, the stomach digests and the mind thinks. But when the heart skips a beat or the stomach grumbles, we do not admonish them. Likewise, when the mind wanders off we patiently bring it back to the breath. In 20 minutes of mindfulness practice we do this hundreds of times. Mindfulness practice anticipates this. It assigns only one beginning task: When we notice the mind has strayed, return to the breath with kindness.

Think of paper-training a puppy. The paper is by the door but the pup isn't cooperating. There is nothing to do but be patient. Each time he does his business in the wrong spot, we pick up the puppy, gently place him on the paper, and say, firmly but kindly, “here.” We train him like this because if we berate him and slam him onto the paper, he'll grow to be fearful and mean.

Mindfulness practice is a window into our own default mode as a trainer. When we invite our mind to focus and it wanders off, we see our patterns. Some of us notice self-criticism (“I can't follow my breath — why can others do this?”). Others see frustration (“My mind is too busy for this.”). If we are courageous, and honest, many of us see anger (“I'm wasting my time with this practice!”).

Instead we can try something new. We can sit quietly following our breath for 20 minutes each day, and when we notice the mind wandering off we can say, “There I go again, lost in thought. I'll return to my breath.” With tolerance and even humor, and without commentary, we can observe the wandering mind.

As we practice like this we are changing our minds.

Neuroscience used to hold that neuroplasticity, the process of forming habitual responses, ended after adolescence. But through research at Harvard, UCLA and elsewhere, we have evidence that neuroplasticity continues throughout life and that mindfulness practice changes habitual response, even to the difficult experience of practicing law.

And the changes stick. As we practice paying attention, and being tolerant and kind when our mind wanders, we are rewiring our mind to be more focused, less reactive and more open and connected.

The implications for reducing stress are profound. In law school, and as young lawyers, we developed conditioning. When we were challenged we learned to attack, defend and issue-spot. Those modes have become our conditioned response, particularly to the difficult parts of our law practice.

When we practice returning our attention to the breath over and over with tolerance and kindness, those

qualities of mind become our conditioned response. We gain focus from the practice of returning to the breath, essentially learning how to pay attention. We develop tolerance for the difficulties we encounter, by learning to tolerate our own wandering mind. We learn discernment (as an alternative to negative judgment), from cultivating kindness.

When we bring mindfulness practice into the law, some of the crushing stress is reduced. The volume of work doesn't change, but our relationship to it does. We see things for what they are: the sadness of missing a family dinner, the exhaustion of always needing to be right, the dissonance of working on cases we cannot condone. We become more powerful by bringing our humanity into our work. In time we can realign, creating a practice with intrinsic meaning instead of only extrinsic rewards.

Stress will always be part of our profession. We will always have difficult problems to solve. There will be demanding clients, irate colleagues and tight deadlines. But in a career defined by conflict, and a world surrounded by conflict, mindfulness practice lowers our stress. It allows us to create a more peaceful relationship with the difficulties of practicing law.

It helps us to stop the war within.

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