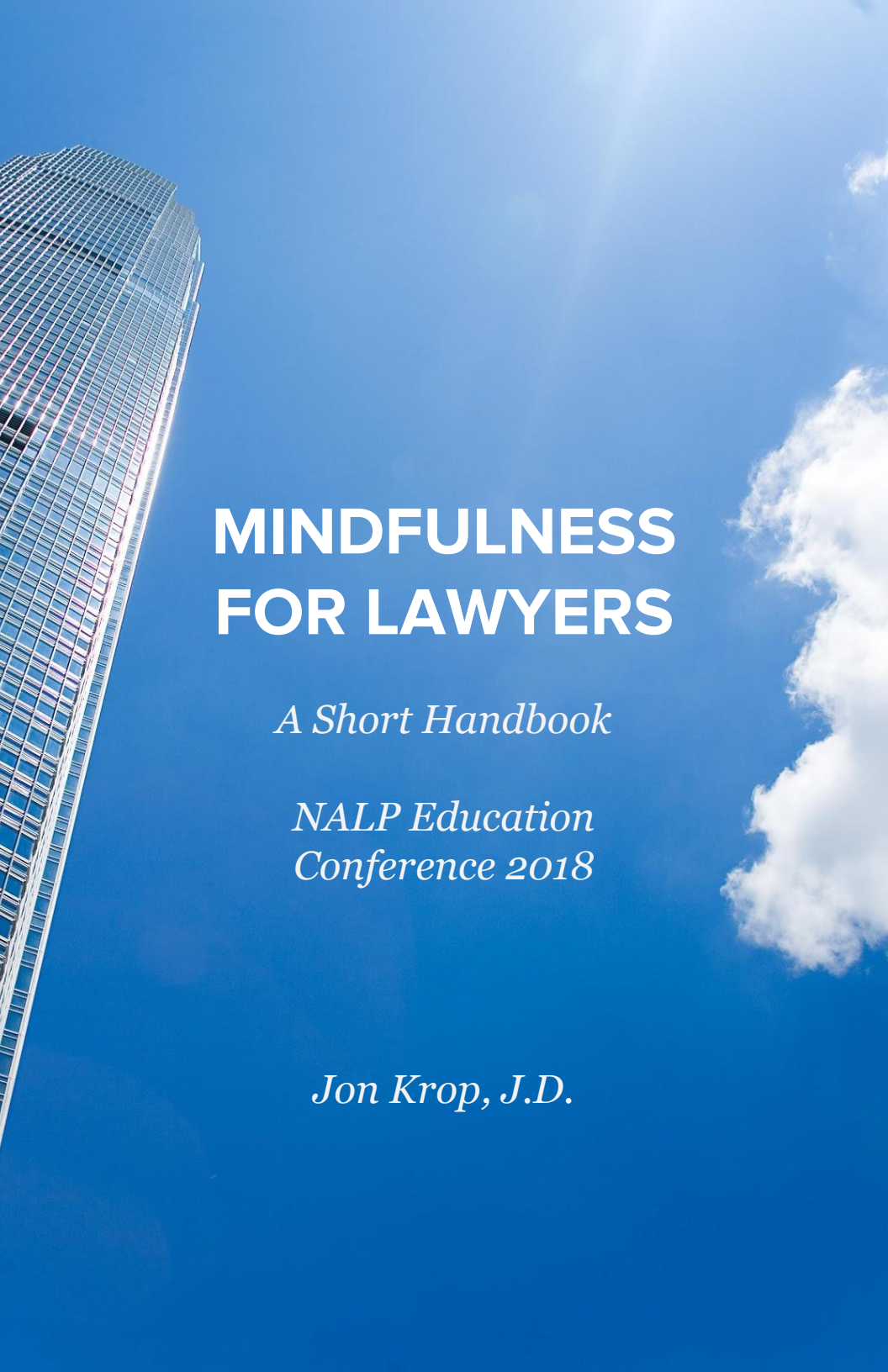




MINDFULNESS FOR LAWYERS

A Short Handbook

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Principles of Mindfulness

Being in the present moment
and out of your head.

Observing your experience as
it is, without judgment.

- Seeing thoughts *as thoughts* rather than getting lost in them.
- Paying attention to sensory experience as a gateway to the present moment.
- Turning toward present experience rather than resisting, even when it's unpleasant.

*“Accept the present moment as if
you’d invited it.” -Pema Chodron*

“Be here now.” -Ram Dass

Benefits of Mindfulness

- Reduced stress, increased job satisfaction.
- Improved focus. *Example:* a lawyer is able to research and draft motion papers well before the deadline, with few distractions.
- Improved attention to detail. *Examples:* a lawyer is able to notice unfavorable nuances in proposed contract language.
- Greater emotional resilience. *Example:* a lawyer earns the judge's favor during oral argument by remaining calm, clear-headed, and civil while opposing counsel makes unreasonable allegations.
- Enhanced interpersonal skills. *Example:* a lawyer is able to facilitate collegial, effective two-way communication with junior lawyers and support staff, even when the team is under time pressure.

Sitting Meditation

The Posture:

- Straight spine.
- Feet under the knees, flat on the floor.
- Try sitting toward the edge of the chair.
- For more, google “posture-pedia” to find Stephanie Nash’s thorough posture guide.

The Technique:

- Rest attention on the sensations of breath at the nose.
- When you notice attention has wandered, gently return to the breath.
- Breathe normally.

Sitting Meditation: Pointers

- Meditation is not about emptying the mind. Let the whole rich landscape of sounds, sensations, and thoughts continue in the background.
- Your mind will wander, and that's okay. This isn't about stopping the wandering; that's impossible. It's about noticing and gently guiding the mind back.
- When you notice you've wandered, briefly savor that recognition before returning.
- Apply gentle effort. No need to strain.
- There is no failing at this, no doing well or poorly. There's only practicing or not.
- Optional: apply a light mental label to a distraction (*e.g.*, “thinking,” “itching”).

Maintaining a Sitting Practice

Daily practice will transform your day-to-day experience for the better.

- Daily consistency trumps length of sit. Sitting for even one minute is fantastic.
- Sit first thing in the morning. It's the easiest way. If that's not workable, aim for the same time every day.
- If resistance arises, mentally shrink the session length until the resistance fades. (*"Could I do 15 minutes? No, too much resistance. What about ten? Still too long; the thought puts me off. Okay, five? Hm, I feel like I could sit for five."*)
- Use a timer (e.g., "Insight Timer" app).

"Practice now. Don't think you will do more later." -Dipa Ma

Mindfulness Methods for Daily Life

- Rest attention on the breath at the nose.
- Mindful walking (walking meditation): rest attention on sensations in soles of the feet.
- Mindful eating: eat slowly, experiencing the food with all of your senses.
- Rest attention on an entire sense field (*e.g.*, sound, body sensations).
- If you get lost in thought: use the mental label “thinking” to let go of story mode.
- The Mindful Pause (p. 12).

Stress in the Legal Profession: Statistics

- In a 2016 study of 12,825 lawyers:
 - 61% of participants reported concerns with anxiety sometime in their careers.
 - 46% of participants reported concerns with depression sometime in their careers.
 - 23% were experiencing mild or higher levels of stress at the time of the study.
 - 33% were problem drinkers.
- A 2013 study of 2,226 British lawyers found that lawyers' primary causes of stress were:
 - Workload (60% of respondents)
 - Client expectations (42%)
 - Number of hours (18%)

Stress and Anxiety: the Usual Approach

Our intuitive coping method: avoid or
resist the way we feel.

- The most common strategies:
 - Distract ourselves: social media, TV, food, socializing, etc.
 - Dull ourselves: alcohol, drugs, etc.
 - Ruminates: dive into our anxious thoughts.

Stress and Anxiety: the Mindful Approach

Resisting or avoiding unpleasant feelings only exacerbates them.

The key: acceptance, not avoidance.

- Emotions manifest partly as sensations in the body.
- Instead of flinching away from those sensations, tune into them.
- Let the feelings stay; be willing to feel them.
- Resist fleeing into anxious thinking.

The Mindful Pause

A 30-second “spot treatment”
for stress and anxiety.

If attention wanders at any point, gently
guide it back to the step you are on.

1. Take a slow, deep breath.
2. Tune into whatever sensations you notice in your body, especially sensations that seem related to stress or anxiety. (Duration: one in-breath or out-breath, or longer if you like.)
3. Rest attention on the breath at the nose (Duration: one in-breath or out-breath, or longer if you like.)
4. Carry on with your day, but in an unhurried way.

Using the Mindful Pause

- No need to adopt a special posture.
- Practice the Mindful Pause when you are not stressed. Then, when you are stressed, you will remember to use it.
- Do not expect the Mindful Pause to make anxiety-related sensations or thoughts vanish. The problem is not that those sensations and thoughts are there; the problem is that we resist them.
- Useful for: inserting breaks into research, writing, and doc review, getting centered before a deposition, negotiation, meeting, or oral argument.
- If you get stressed *during* a meeting, you can use a “Mindful Mini-Pause.” Take a slow, deliberate breath in. As you exhale, tune into sensations in your body.

The Costs of Ill Will

- Being a lawyer means having adversaries. Conflict can also arise with clients, judges, peers, partners, and support staff.
- You need not view adversaries as enemies.
- Hostility and impatience are unpleasant, stressful, mood-spoiling emotions.
- They also harm your work through:
 - impaired judgment
 - impulsive speech and decisions
 - reduced attention to detail
- Your negative emotions ripple through your environment and make colleagues, clients, and adversaries more difficult to work with.
- Subdue ill will by cultivating its antidotes: goodwill, patience, and understanding.

“Holding onto resentment is like taking poison and waiting for the other person to die.” -Malachy McCourt

Cultivating Goodwill

Goodwill Meditation, Full Version:

- Bring to mind someone you love, then:
 - Reflect that this person is a human being like you: seeking happiness, wishing not to suffer, enduring hardships.
 - Mentally recite these phrases, using the phrases as anchors for attention:
 - “May you be safe.”
 - “May you be happy.”
 - “May you be healthy.”
 - “May you be at ease.”
 - Repeat for any or all of the following:
 - A neutral person
 - A difficult person
 - Everyone on earth
 - Yourself

“Be pitiful, for every man is fighting a hard battle.” -Ian Maclaren

Goodwill Meditation, Quick Version:

- Imagine inhaling a person's suffering in the form of smoke, freeing the person from it.
- Imagine exhaling happiness toward the person in the form of light.
- Goodwill meditation (full or quick) is useful:
 - Before a negotiation or meeting you expect will be contentious, *e.g.*, with an adversary, client, or partner
 - After such a negotiation or meeting
 - To conclude a meditation session
 - As its own formal meditation practice

*“If you want to be selfish, be wisely selfish:
Care for others.” -The Dalai Lama*

About the Author

Jon Krop, the founder of Mindfulness for Lawyers, is a graduate of Harvard Law School and has practiced mindfulness for over a decade. He has taught mindfulness at Harvard, the Pentagon, and the world's top law firms.

Jon has studied with mindfulness teachers from around the world, including the Tibetan masters Tsoknyi Rinpoche and Khachab Rinpoche as well as western teachers Gerardo Abboud, Elisha Goldstein, Ph.D., Trudy Goodman, Ph.D., and John Yates, Ph.D.

Jon has sat numerous meditation retreats, including a seven-month silent retreat with meditation master John Yates.

After law school, Jon clerked on the United States Court of Appeals for the Ninth Circuit and worked as a litigator at public-interest law firms in Los Angeles and New York City.

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