

Attention

Legal professionals from across the United States gathered in late October last year at U.C. Berkeley's Law School for "The Mindful Lawyer Conference: Practices and Prospects for Law School, Bench and Bar." At this first conference of its kind, two hundred participants were offered a compelling introduction to the ways in which "mindfulness" can be integrated into every aspect of our profession. From the office to the courtroom to the classroom, mindfulness practices are improving the skills, professionalism, and health of lawyers, judges, law students, and professors.

"Mindfulness," as described by Jon Kabat-Zinn (founding Director of the Stress Reduction Clinic and the Center for Mindfulness in Medicine, Health Care, and Society at the University of Massachusetts Medical School), means "paying attention in a particular way: on purpose, non-judgmentally, in the present moment." Meditation, central to mindfulness, is a cross-cultural mind training technique with roots going back thousands of years. Yet, as conference participants discovered, meditation is not the only way to practice mindfulness.

As we research and write, meet with clients, negotiate, and appear in court, countless opportunities arise for legal professionals to "pay attention in a particular way." This was evident at the conference itself, where, in contrast to most law-related events, there were many moments of intentional silence during and between presentations. In these silences, participants were encouraged to focus their attention on the present moment, and to let go of distractions. While seemingly simple, this turns out to be rather difficult for most of us. As lawyers—and human beings—our minds are constantly bouncing from past to future, from concern to concern. Focusing on the present moment, without following our mind's tendency to distract itself, is not easy, but the benefits are significant. Our awareness develops. Our ability to listen improves. Our self-discipline deepens. We learn to move more calmly through challenges and stressful times. Whether sitting at home or standing in front of a jury, mindfulness skills are practical and powerful tools.

Notably, a strong sense of community developed among participants during this conference. Perhaps this sense of community emerged from the opportunity to connect authentically with colleagues. Perhaps it emerged from the silences, a phenomenon not often experienced when more than one lawyer is in the room. Perhaps it emerged from mindfully responding to each other rather than reacting in habitual ways. Whatever the reason, these practices offer new ways for legal professionals to relate to and communicate with each other.

It would be difficult to describe in this brief article all three conference days in detail. There were, however, three areas around which most of the sessions revolved: legal skills, professionalism, and well-being. In each of these areas, conference leaders and participants alike offered guidance on how the integration of mindfulness practices can slowly, but profoundly, transform lawyers' professional and personal lives. In fact, these practices have already helped many lawyers to become more effective and healthy.

With regard to legal skills, Professor Leonard Riskin, among others, addressed the potential for mindfulness to enhance negotiation and conflict resolution through, for example, more attentive and active listening. Professor David Zlotnick explained how mindfulness enhances trial advocacy skills by helping lawyers remain calm, aware, responsive, and focused in court proceedings. Several panelists pointed out ways in which metacognition (which generally means reflecting on your thought processes, in part, to see how you filter and shape your understanding of the external world) can help lawyers see clients' problems for what they are and find more creative avenues to resolve them.

On the subject of professionalism, judges, court staff, and attorneys described how mindfulness encourages ethical and client-centered lawyering. Former Chief Justice of the Utah Supreme Court, Michael Zimmerman, described ways in which mindfulness practices can help lawyers get their egos "out of the way." Panelists also explained how these practices build skills in uncovering our biases and seeing unconscious motives and intentions. These unconscious patterns may interfere with our ability to be honest, treat others with respect, and conduct ourselves with thoughtful dignity towards all people.

As to health and well-being, presenters Dr. Shauna Shapiro and Dr. Phillip Goldin described extensive scientific research evidencing the positive effects of mindfulness on the brain, the nervous system, and the body as a whole—demonstrating persuasively that mind and body are not separate. Other presenters also cited the many ways in which mindfulness practices alleviate anxiety, depression, substance abuse, and stress in general. As discussed in recent Bar News articles, addressing these issues has become increasingly important in the current economic climate. Studies repeatedly find that compared to those in other professions, lawyers have some of the highest rates of substance abuse and depression. Mindfulness practices offer an accessible set of skills for those in our profession to address their mental, physical, and emotional health.

Given these myriad of benefits, you might wonder if these practices are difficult to learn. Fortunately, the basic concepts can be described in a matter of minutes. Incorporating them into daily life requires self-discipline, however, and support from fellow practitioners can be useful. In light of this, a group called the Washington Contemplative Lawyers has formed and meets at

8:15am on the last Wednesday of each month at the Washington State Bar offices. No previous experience with meditation or mindfulness practice is necessary. In fact, mindfulness practice is most effective when experienced with a beginner's mind! If you would like to learn more about mindfulness in general or mindfulness and the law specifically, you may be interested in the website: www.mindfullawyerconference.org and feel free to contact the authors of this article.