



FLORIDA BAR NEWS

THE MINDFUL LAWYER: MINDFULNESS AND MOTIONS FOR CLARIFICATION AND RELIEF

By Scott Rogers ▶ Special to the News ▶ Columns

October 01, 2018



The practice of mindfulness, like the practice of law, can take many forms. Today, we explore ways of practicing mindfulness that incorporate movement and do not depend on sitting still or sequestering oneself from the busyness of everyday life.

This exploration is couched in a language we know only too well.

'MOTION' FOR RELIEF

While mindfulness is not primarily about feeling less stressed (though a part of us is always interested in this form of relief), when we are mindfully engaged, we tend to experience the moments of life, whatever they have in store for us, with a greater ease of mind and body. While it is easy to view high anxiety and immense calm as our two choices, these are but extremes along a spectrum, and wherever we find ourselves at any given moment, there tends to be room for movement that allows us to be more effective and experience a greater sense of well-being.

While the most common mindfulness practices involve sitting, paying attention to the breath, and noticing mind wandering (upon which one may return attention to the breath or observing the physical sensations and feelings accompanying mind wandering), many forms of practice involve or integrate movement. Examples include “mindful walking,” the “asana” practices associated with yoga, and the movement practices connected with “qigong,” to name but a few.

Moving the body is important, all the more so when the practice of law calls for long periods of sitting. Thus, one benefit of a mindful movement practice is that it gets the body moving which helps with blood flow and oxygenating the brain, elevates mood, and can have a relaxing and calming effect. Hence, movement practices are, in many ways, a *motion for relief*, and it can be helpful to view them as such. We have no problem filing such motions on behalf of our clients. This is one case where viewing ourselves as our own client can be useful.

'MOTION' FOR CLARIFICATION

Just as society looks to the practice of law to help bring about justice, many members of the legal profession look to the practice of mindfulness to help them to see things more clearly, and view the world as it “just is,” unencumbered by the mental elaborations and emotional reactivity that are common amid the tumultuous, uncertain, and consequential day in the life of today’s lawyer. Practically speaking, this means more readily entertaining multiple perspectives to better understand clients, adversaries, judges, and even oneself; effectively sizing up situations to make smart tactical and strategic decisions less influenced by bias, fear, or anger; and having the wisdom to know when patience and deep listening are more important than taking action and making a point.

Moving the body is important, all the more so when the practice of law calls for long periods of sitting. Thus, one benefit of a mindful movement practice is that it gets the body moving which helps with blood flow and oxygenating the brain, elevates mood, and can have a relaxing and calming effect.

In this regard, mindfulness practices help us perceive *with greater clarity* what is actually happening, moment by moment, as opposed to being lost in the story we are telling ourselves about what is happening. As such, mindful movement can also be regarded as a *motion for clarification*, and the various forms of movement one can practice are an invitation to pay close attention to body sensations. With attention deployed in this manner, many find: the mind less prone to wander, wandering more readily detected, and restlessness and boredom less likely to surface, or be regarded as a “problem.” While mind wandering and agitated feeling states are the very fodder of a rich mindfulness

practice, it is important to explore different ways of practicing that are both useful and satisfying.

Below are tips for practice that offer a big picture perspective. You can also visit to view links to useful websites. Florida attorney Angela Morrison, a member of the *GPSolo* Magazine Board, is overseeing the ABA’s Spring 2019 issue, which is focusing on attorney wellness and will include practical articles on mindful movement.

TIPS FOR PRACTICE AND A FEW EXAMPLES

1. Any and all movement can be done mindfully. Key is your intention to pay attention and to remain attentive. A structured set of movements can be helpful.

2. Slowing down can be helpful, as it is often challenging to pay attention to something in motion. It can help to build the “muscle” of attention, and, much like lifting weights and engaging in other forms of physical fitness in a slower, more methodical manner, can lead to better results.

3. You can put this in motion now by doing one of the following:

a. Slowly get up from your seat, pause, and then after a few breaths, slowly return to your seat. Along the way, pay close attention to movement of the body (legs, hands, posture), and to body sensations, including the breath.

b. Sit with your arms in front of you, a few inches from your belly, palms facing toward you. Slowly move your hands outward as you inhale slowly and deeply, and then gently allow your hands to return, as you exhale slowly and fully. Do this a few times, paying attention primarily to the sensations in and around the hands and fingers. You may begin to feel pleasant tingling sensations.

c. The next time you get up to walk somewhere, while en route, slow down your pace and pay attention to the sensations of your feet lifting, moving, and meeting the ground. When your attention wanders, return to the sensations of your feet moving.

4. Remember that while movement is useful for many reasons, what makes for a mindfulness practice is the quality of attention and sustained observation you bring to the experience.

If you have a question about integrating mindfulness into the practice of law that you would like answered in this column, send it to srogers@law.miami.edu.



*Scott Rogers, M.S., J.D., is a nationally recognized leader in the area of mindfulness in law and founded and directs the University of Miami School of Law's Mindfulness in Law Program where he teaches mindful ethics, mindful leadership, mindfulness and negotiation, and mindfulness in law. He is the creator of Jurisight, one of the first CLE programs in the country to integrate mindfulness and neuroscience and conducts workshops and presentations on the role of mindfulness in legal education and across the legal profession. He is author of the recently released, **"The Mindful Law Student: A Mindfulness in Law Practice Guide,"** written for all audiences.*