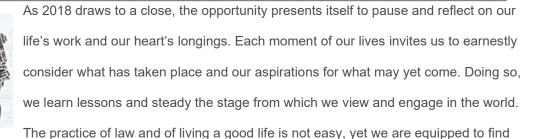


FLORIDA BAR NEWS

THE MINDFUL LAWYER: THE PRACTICE OF LAW AND OF LIVING A GOOD LIFE IS NOT EASY

♣ By Scott Rogers → Special to the News	Columns
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delight in the work we do, to do it well, and to make a difference in the lives of others. At times, the weight of the world, of our personal circumstances, and of practicing law in a way that is steadfast, responsible, and true to our values can be overwhelming. Yes, there are approaches we can take to help establish clarity, emotional resilience, and resolve, and move into these challenging domains without losing heart. This month's question is posed by an environmental law attorney, Keith, who asks:

Years of practice in the field of environmental law takes its toll on a lawyer's mental health. The policy and science issues can be fascinating, but the realities and intense resistance can be exhausting and even depressing. Lawyers can live in the moment and relish the occasional victories and progress, but also must endure an endless list of fears for our children's future. Colleagues who have worked on matters of national security, cyberspace security, and emergency management have expressed similar sentiments. How can mindfulness help us keep the future in perspective?

Keith's question addresses a big issue, yet one that presents itself daily in myriad forms. Upon receiving the question, my thoughts turned to an old friend, Grove Burnett, who has always inspired me with his courage, vision, and deep and passionate engagement in mindfulness. Grove practiced public interest environmental law for 35 years and co-founded the Western Environmental Law Center, a non-profit environmental law firm with offices in five Western states. In 1992, he co-founded Vallecitos Mountain Retreat Center, a wilderness meditation center west of Taos, New Mexico. He is president of the Institute

for Applied Mindfulness and for more than 20 years has been teaching mindfulness to a wide array of professionals, including lawyers, law students, and judges. Grove replies:

Your question addresses the fundamental existential challenges of our time. Are we going to survive?

Working for change, in whatever arena, can be exhausting and depressing. Change-makers are

confronted on a daily basis with big questions. How do I manage the brutal pressures and stresses of this

work to save the world? How do I hold what is happening and not burn-out and go insane? The

landscape is littered with angry, embittered, and wounded burnt out activists.

As a young lawyer, I litigated complex federal court cases against the Justice Department and big defense firms that employed scorched-earth tactics. I burned out and stumbled into a mindfulness meditation retreat with the great teacher Jack Kornfield, and I've practiced meditation ever since. The ancient teachings of mindfulness tell us that one the most important keys to preventing burnout, developing resiliency, and "keeping it all in perspective" is to learn how to manage and regulate the powerful mind state of aversion. The bottom line: mindfulness is our ally.

Aversion is the mind's innate tendency to push away and pull back from unpleasant experiences. It has many manifestations that include a variety of negative emotions: fear, resistance, impatience, anger, rage, hatred, aggression, and ill will. These are all within us (don't kid yourself) in greater or lesser intensity. Aversion, in all its forms, is always a state of dissatisfaction. We pull away from suffering in our lives — that's what aversion actually is. It makes us tense and unhappy, fearful and depressed. It is the source of great suffering in our minds and our interactions and relations with others.

If we look closely, aversion arises in the mind when we react to unpleasant experiences. Mindfulness practice, however, helps breaks the cycle. It teaches us to respond appropriately, with intention, and not react automatically to unpleasant experiences, including the perils, dangers, and unprecedented threats of this world we live in. Responding, rather than reacting, helps us to stay grounded and centered so that we aren't constantly overwhelmed with dread, worry, anxiety, and fear about the future. It makes us more effective in our work. A monk asked Zen Master Yun Men: "What are the teachings of a whole lifetime?" Yun Men said: "An appropriate response."

Today one of the great challenges of the human experience is a willingness to rest with awareness in unpleasantness without aversion, fear, anger, hatred, and judgment. The aversion is always our responsibility; only we have control over whether we react or respond. Aversion arises when we try to keep things out; mindfulness allows everything in. Mindfulness is not about making unpleasant experiences go away — avoidance only increases our anguish. Mindfulness is really about making friends with aversion, that deeply seated and habituated tendency to push away and pull back from the unpleasant in our lives. This is the place of mindfulness practice, to be able to stand in times of suffering, to bear witness, without aversion, anger, resentment, and judgment. The people who can do this are the ones that inspire us, who are true agents of change. It is quality we can all cultivate and, in doing so, we bring ease to our own suffering and help make the world a better place.

I am deeply grateful to Grove, both for his steadfast commitment to justice and the extraordinary way he has established a beautiful space for people to learn about and practice mindfulness, and with the wisdom and compassion he brings to his life's work.

If you have a question about mindfulness and ways of integrating mindfulness practice into the 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.