

FLORIDA BAR NEWS

THE MINDFUL LAWYER: RESISTANCE IS FERTILE

💄 By Scott Rogers 🔸 Special to the News 🛛 🗁 Columns

July 21, 2021



It's early morning and you're on your way to meditate when you abruptly turn around and get back in bed. Or maybe it's mid-day and a few minutes into your <u>focused-</u> <u>attention mindfulness practice</u> your monkey mind catapults you out of your seat to check for a text message. Perhaps it's the end of the day and you fall asleep listening to the guided mindful body-scan practice, it being easier to drift off than to

remain attentive to the sensations in the body. These may be signs of having scheduled practice at inopportune times or when exhausted, in which resistance is somewhat futile. It may also signal that the resistance is fertile.

You may be familiar with the term "ick." It's that visceral feeling of aversion that prompts you to turn away from your experience. It appeared in the 1995 *Friend's* episode "The One with the Ick Factor," and 10 years later in the <u>New York Times Op Ed</u> titled "The Ick Factor," where William Safire traces it back to the 1920 novel, "Bulldog Drummond," where a character asks: "Can it be that my little pet is feeling ickyboo?" It's been applied to food and feces, and more recently has landed back where *Friends* placed it — in relationships. In 2017, Olivia Atwood referred to "the ick" when describing her abrupt termination of a relationship on the reality show, *Love Island*. In each of these scenarios, the ick is an internal guidance system in which resistance signals the wisdom of turning away.

Along with the relationships you have with other people and objects, the term can be applied to the relationship you have with your brain. Remember the time you tried to do those mental calculations, keep track of all those names, or crack that brain teaser, and it felt as if your brain hurt? That "ick" may signal the very reason to stay the course as a way of exercising a "cognitive" muscle. Doing so, you may further develop and refine that skill thanks to your brain's ability to rewire in response to your experience — a form of self-directed neuroplasticity. Some of these changes may be <u>limited to the very thing you are</u>

doing, while other changes may transfer across a larger swath of cognitive and emotional benefit. Mindfulness practices may involve the latter, offering robust benefits across many domains.

This column begins with the reminder that it is not always the right time to practice mindfulness and, as with many projects, it is important to set reasonable expectations, and size them up for their true promise, and not the Hail Mary pass we sometimes throw to ourselves. As calming and relaxing as mindfulness practices can be, inevitably there are moments when we just don't feel like it. Futile or fertile? That is the question.

It's interesting that a purely mental experience that essentially involves doing nothing, such as observing the flow of air entering and leaving the body can, at times, be challenging and even uncomfortable. As an attention training exercise, such practices involve, as neuroscientists like to say, "exercising the muscle of attention." You may know a similar feeling when thinking about going to the gym or getting ready to exercise. Or, perhaps, you can relate when sitting before that beautiful musical instrument to practice scales, over and over and over again. It even surfaces when getting ready to read that document one more time before submitting it. Procrastination? Not the right time? Or merely a feeling of ick that probably would be good to experience and carry on?

So, the next time you're ready to practice mindfulness and are inclined to turn away, delay until later in the day, find a more relaxing practice, or you are in the middle of practice and feel an impulse to switch gears, see if you can tap into whether you're feeling the ick. If so, consider whether it might be worthwhile to feel the ick and do it anyway. After all, there's really nothing to do but be present for your experience, whatever it may entail. In time, it may also become clear that the "ick" isn't just a depleted attention or mental exhaustion, but an invitation to embrace the modest discomfort with curiosity and care. For the clarity that arises by staying with the experience may prove to be a liberating source growth, insight, and ease.

Now may be a good time to say "Hey Siri, set timer for five minutes," lower or close your eyes and rest attention on the sensations of the breath flowing through your body. When you notice a little resistance to the instruction — when you detect your attention wandering off or you begin to feel a little antsy — attend

2

for a few moments to the resistance itself, and then return to the sensations of the breath, for awareness has the power to transform resistance. And sometimes resistance is fertile.



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.