

# FLORIDA BAR NEWS

## PERRY MASON AND THE PRESENT MOMENT

By Scott Rogers > Special to the News

Columns

November 30, 2022



This month's column meanders like a river, flowing from television's most popular trial attorney, to a largely forgotten courageous and mistreated state prosecutor, to the practice of mindful listening. A current running through this river is Native American Heritage Day, legislation signed into law by George Bush so designating the Friday following Thanksgiving.

### TELEVISION'S MOST POPULAR ATTORNEY: PERRY MASON

One of the best-selling authors of the 20th century is Erle Stanley Gardner. If his name rings a bell, it may be because he is the creator of Perry Mason. While the Perry Mason television series stopped airing more than 50 years ago, it remains one of the longest-running and most successful legal-themed television series of all time.

In 1960, shortly after it began airing, the series received the first Silver Gavel Award presented for television drama by the ABA. Many lawyers can trace their early interest in the law to the popular television series and to the beloved performance of Raymond Burr, who, Netflix users have rated as their favorite actor.

By now you're likely wondering about the connection between Perry Mason and mindfulness. The answer is found in the foreword to "The Case of the Stepdaughter's Secret," a 1963 Perry Mason book where Erle Stanley Gardner honors the memory of James Davis, a California District Attorney, who courageously stood by his conviction that there was insufficient evidence to prosecute two men accused of murder. In making his decision, Davis understood what was on the line, yet remained steadfast. Gardner writes:

But the thing that stays in my mind is this courageous District Attorney who stood alone, facing the roar of the mob, and watched his political career crumble away while living in a small community where from day to day he had to face the hostility of those who had once been eager to be his friends.

As a result of Davis' refusal to prosecute, the case was reassigned, brought to trial, and a jury found the defendants guilty, sentencing them to death.

#### MINDFUL LISTENING

In the opening to the Foreword, Gardner writes of Davis:

He was attuned to nature in a way most modern-day city dwellers can't understand. At times he would put on his old clothes, go down to the river, and sit on the bank for hours, just watching the swirl of the water and listening to the wind in the trees.

We live at a time when it can be challenging to listen to others, when it can be challenging to hold true to ourselves. One of the reasons for this is the internal narrative that emerges and takes hold when others say and do things of which we disapprove, and when we become fearful of making a decision even though we believe it to be right.

We can learn from Gardner's depiction of Davis sitting by the water and bring this intuitive mindfulness listening practice into our lives. The practice is a simple one: listen to the sounds of nature. Close your eyes and settle deeply into the experience of just listening. When you notice the mind wander, return attention to sounds. This mindfulness practice can help to steady attention, enhance awareness and attenuate the duration of mind wandering, and reduce emotional reactivity.

#### NATIVE AMERICAN HERITAGE DAY

There are many interesting parallels between contemporary mindfulness practices and the <u>practices of indigenous wisdom traditions</u>. As our shared sense of understanding and respect for the lives of all Americans has evolved over time, legislation such as Native American Heritage Day offers us an opportunity to pause and reflect on our complex and interdependent relationships with each other and with ourselves.

James Davis was a Native American who served as a California District Attorney from 1935-1938. Years later the convictions he refused to pursue out of a sense of duty and conscience were reconsidered and the defendants released on parole. We can take a cue from Davis the next time we find ourselves outdoors. Take a few moments and listen to the wind in the trees. Doing so can be refreshing, calming,

and it can help us become better listeners. Better listeners to what is true in our lives and in our hearts.

Better listeners to each other.

Listen to the wind, it talks. Listen to the silence, it speaks. Listen to your heart, it knows.

- Native American Proverb



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.