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Mindfulness 101: Mindfulness of the Body, Habeas Corpus, and Freedom

By Scott L. Rogers

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The practice of law is stressful. And while we each feel stress in our own way, it is a common experience that stress can compromise our productivity, decision-making, and well-being.



An Interesting Relationship Between Mindfulness and Stress

Relieving stress ranks high among the many reasons attorneys, judges, and law students are looking to mindfulness and the mindfulness practices that help to cultivate greater mindful awareness. The connection between mindfulness and the reduction of stress is an interesting one that is often misunderstood. While relaxation helps us to feel less stressed, being mindful is about *being aware of what is arising in the moment*, even if what is arising (and being felt) is stressful. When one is attentive and aware of one's present-moment experience, one is less likely to be lost in thoughts about the past (and feeling regret, guilt, and doubt) or thoughts about the future (and feeling anxious, worried, and afraid). Moreover, there is a knowledge that whatever is being experienced is continually changing and will pass. While this can lead to experiencing less stress, it is, in fact, icing on the cake of being more present for one's experience.

In a moment, I'll share with you a basic mindfulness practice that, when practiced on a regular basis, can be helpful for experiencing a steadier mind and calmer body during challenging

moments. To make the practice a bit more memorable—even tangible—we'll explore it alongside a bedrock principle of jurisprudence: habeas corpus.

Habeas Corpus and the Body

Habeas corpus means “you shall have the body.” Whereas memories, images, and thoughts often pertain to moments far removed from the present, the body is intimately attuned to the present moment. Sensations arising in the body are arising . . . now. Of course, we always “have the body,” but we can forget.

Habeas corpus is called upon when we lose our freedom. So, too, mindfulness helps us free ourselves when we risk becoming trapped in an internal narrative that is out of alignment with what is actually taking place. Below are instructions for guiding yourself in a basic mindfulness practice. Before you begin, it is important to have with you the following: your body, your breath, and your attention.

- 1 Establish a comfortable sitting position, neither rigid nor slouched.
- 2 Lower or close your eyes, whichever you prefer.
- 3 Bring your attention to the sensations arising in the body.
- 4 Rest your attention on these sensations, observing them as they arise, change, and pass.
- 5 When you notice your mind wandering, gently return to these sensations, reminding yourself, “there is a body.”
- 6 When you are ready to close the practice, lift your gaze or open your eyes.

Mindfulness is about remembering when we forget—remembering we are here (not there) and, in doing so, establishing a steadier base to see more clearly what is actually taking place, now. Counterintuitive as it may seem, anchoring attention in present-moment sensations of the body reliably leads to reduced mind wandering and, with it, a less stressed countenance. I hope you and every(body) find this practice helpful.

If you'd like to practice, you can [listen to mindfulness teacher Joseph Goldstein](#) as he guides a six-minute body awareness practice in which he draws on the phrase “there is a body.”

Informal Practice

In addition to formal mindfulness practice that helps cultivate a trait of greater mindfulness so freedom may be more accessible wherever we find ourselves, we can also practice in the midst of challenging moments for the express purpose of feeling less stressed. The more comfortable and familiar a formal practice is, the more quickly an informal practice can help reduce stress. Below are instructions, drawn from the above body awareness practice, that you can practice now—for a few breaths or for as long as you'd like.

- 1 Sit in a comfortable position.
- 2 Take a few slower, deeper breaths, aware of the sensations arising in the body.
- 3 When you notice mind wandering, remind yourself, “there is a body,” and open to the sensations of the body breathing.

As with most formal and informal practices, the instructions are straightforward. Importantly, while we may not feel good each time we practice—we may feel stressed or restless or bored . . . because we are—the discipline of engaging in a regular practice likely will do us good. Remember, the aspiration for a formal period of practice is to be present for our experience, whatever it may entail, and to become increasingly comfortable and resilient amid the changing landscape of our life's experience. In contrast, the shorter informal practice can be viewed as a tool for feeling less stressed in the moment. Together, they offer a little freedom from life's inevitably bumpy ride.

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