

## **Saving the Lawyers One Breath at a Time: Mindfulness in the Law**

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The role of a lawyer in a democratic society is significant in that lawyers ensure that the democracy is functional and its citizens enjoy fundamental human rights. Acting as advocates and advisers, lawyers also play an important role in virtually all business transactions in this country. And yet, as critical as they are to society, lawyers are reported to be the most frequently depressed occupational group in the United States.[1]

A new study by the American Bar Association and the Hazelden Betty Ford Foundation found that 28 percent of over 12,825 practicing lawyers polled reported a problem with depression. This is over three times the rate found in the general population. Of the 1.3 million attorneys in this country, over 336,000 reported symptoms of clinical depression.[2] Some speculate that depression among lawyers may be tied to the “rampant and multi-dimensional stress of the profession.”[3] Moreover, personality traits common among lawyers such as self-reliance, ambition, perfectionism and competitiveness can be inconsistent with healthy coping skills and emotional resiliency often necessary to withstand the intense pressures and unforeseen disappointments that a legal career can bring.[4] In addition to depression, lawyers also commonly experience significantly elevated levels of stress and anxiety, and report a much higher incidence of problem drinking than the general population.[5]

In response to the inherently stressful nature of the practice of law, more and more lawyers are turning to an ancient contemplative practice called “mindfulness.”[6] Mindfulness has been defined as “the basic human ability to be fully present, aware of where we are and what we’re doing, and not overly reactive or overwhelmed by what’s going on around us.”[7] Although it derives from the ancient practice that comes from Buddhism, mindfulness is not a religious practice, but rather, a way to bring awareness to one’s life.[8] The simplest way to practice mindfulness is through meditation, where you sit quietly and settle your mind and body.[9] Instructions on how to practice basic mindfulness meditation, otherwise known as vipassana meditation, are as follows:

1. Sit comfortably, with your spine erect, either in a chair or cross-legged on a cushion.
2. Close your eyes, take a few deep breaths, and feel the points of contact between your body and the chair or floor. Notice the sensations associated with sitting — feelings of pressure, warmth, tingling, vibration, etc.
3. Gradually become aware of the process of breathing. Pay attention to wherever you feel the breath most clearly — either at the nostrils, or in the rising and falling of your abdomen.
4. Allow your attention to rest in the mere sensation of breathing. (There is no need to control your breath. Just let it come and go naturally.)

5. Every time your mind wanders in thought, gently return it to the sensation of breathing.
6. As you focus on the breath, you will notice that other perceptions and sensations continue to appear: sounds, feelings in the body, emotions, etc. Simply notice these phenomena as they emerge in the field of awareness, and then return to the sensation of breathing.
7. The moment you observe that you have been lost in thought, notice the present thought itself as an object of consciousness. Then return your attention to the breath — or to whatever sounds or sensations arise in the next moment.
8. Continue in this way until you can merely witness all objects of consciousness — sights, sounds, sensations, emotions, and even thoughts themselves — as they arise and pass away.[10]

Studies show that a regular mindfulness practice reduces anxiety,[11] alleviates depression[12] and improves cognitive function.[13]

With proven benefits, why aren't all lawyers practicing mindfulness? According to Jeena Cho, lawyer and author of *The Anxious Lawyer*, “Lawyers are slow adapters. We don't like to rock the boat or be the first at anything, and we live by precedents. While corporate America is reaping the benefits from mindfulness practice, law firms are falling behind by standing on the sideline looking to see who's going to be the first to adopt a firm-wide mindfulness training.”[14]

Dr. Michael Baime, founder and director of the Penn Program for Mindfulness and clinical associate professor of medicine at the University of Pennsylvania School of Medicine, has trained more than 10,000 people in mindfulness-based stress management, many of them lawyers.[15] Dr. Baime opines that the adversarial nature of the legal profession (including the stressful nature of the courtroom) “layers on additional anxiety where mindfulness can lend an assist.”[16]

Mindfulness training has also been shown to help with addictions to alcohol and other substances.[17] In fact, not only can mindfulness assist with breaking addictions, it can also help to prevent relapse.[18] “Modeled after mindfulness-based cognitive therapy for depression and mindfulness-based stress reduction, mindfulness-based relapse prevention tackles the very roots of addictive behavior by targeting two of the main predictors of relapse: negative emotions and cravings.”[19] Robert Zeglovitch, a solo practitioner trained in Zen meditation and who teaches mindfulness meditation to lawyers and law students, warns however that peace of mind may be addictive.[20]

And while peace of mind should be enough to persuade most lawyers to at least consider a mindfulness practice, some predict that the mindfulness movement could provide the foundation for innovations in the law, (such as collaborative law and restorative justice) and “has the potential to make way for the emergence of ‘law as a healing profession and lawyers as peacemakers’ — associations that, frankly, would seem near-blasphemous to most.”[21]

With so much positive evidence of the effects of a mindfulness practice, lawyers experiencing stress, depression and anxiety should explore whether the simple (but not

necessarily easy) act of breathing in and breathing out may prolong or even enhance their legal career. Mindfulness can provide not only benefits of efficacy and productivity, but enhanced well-being in a lawyer's entire life, both private and professional.

And if that is not enough to persuade some lawyers to hit the meditation cushion, consider the fact that a client may be less likely to entrust a lawyer who has been out at the bar until 2:00 a.m. with its money and reputation, than one that woke up at 4:00 a.m. to simply breathe. With the renewed focus and clarity of thought that it brings, a strong mindfulness practice could serve as another critical — and necessary — arrow in a legal professional's quiver.

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[1] <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>

[2] <http://www.lawyerswithdepression.com/articles/depression-hope-legal-profession/>

[3] <http://www.lawyerswithdepression.com/articles/lawyer-depression-what-is-it-what-causes-it-and-what-you-can-do-about-it/>

[4] *Id.*

[5] *Id.*

[6] *See, e.g.*, University of Miami School of Law's Mindfulness in Law Program, <http://www.miamimindfulness.org/>.

[7] <http://www.mindful.org/what-is-mindfulness/>

[8] <http://theanxiouslawyer.com/five-ways-mindfulness-can-benefit-lawyers/>

[9] *Id.*

[10] Quoted directly from Sam Harris at <https://www.samharris.org/blog/item/how-to-meditate>.

[11] <https://www.ncbi.nlm.nih.gov/pubmed/20427148?dopt=Citation>

[12] <https://www.ncbi.nlm.nih.gov/pubmed/20462570?dopt=Citation>

[13] <https://www.ncbi.nlm.nih.gov/pubmed/20363650?dopt=Citation>

[14] <http://abovethelaw.com/2015/04/why-every-lawyer-should-be-practicing-mindfulness-part-i/>.

[15] See Dena Lefkowitz, How Mindfulness Can Help You Professionally, <http://achievementbydesign.com>.

[16] *Id.*

[17] <http://www.rehabs.com/pro-talk-articles/is-mindfulness-an-emerging-treatment-for-addictions/>

[18] [http://www.huffingtonpost.com/entry/mindfulness-based-relapse-prevention-interview\\_us\\_5645fd24e4b08cda3488638b](http://www.huffingtonpost.com/entry/mindfulness-based-relapse-prevention-interview_us_5645fd24e4b08cda3488638b)

[19] *Id.*

[20] Robert Zeglovich, The Mindful Lawyer, [http://www.americanbar.org/content/newsletter/publications/gp\\_solo\\_magazine\\_home/gp\\_solo\\_magazine\\_index/mindfullawyer.html](http://www.americanbar.org/content/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/mindfullawyer.html)

[21] <http://thechart.blogs.cnn.com/2011/05/11/seeking-serenity-when-lawyers-go-zen/>.