

Finding Calm in the Storm

Cultivating mindfulness to cope with stress in the legal profession.

BY JAN L. JACOBOWITZ

Torrential rainstorms, tremendous snowstorms, and terrifying hurricanes are weather patterns diagrammed with twists, turns, and periods of calm. We cannot control the weather; we can examine its ebb and flow to determine how to respond to the forecast with rain gear, warm clothes, and warning systems.

Stormy weather provides a compelling metaphor for exploring the inevitable internal storms in life. For lawyers, adverse conditions may include an aggressive opposing counsel, a demanding client, an oppressive work environment—the list varies, but everyone has one.

Many lawyers suffer an internal storm of the deadliest nature: stress. Thoughts, feelings, and bodily sensations are how we generally experience it.¹ Chronically stressed lawyers can develop significant physical and mental health issues.² The legal profession ranks near the top of professions for depression, substance abuse, and suicide.³

As Vietnamese Buddhist monk and peace activist Thich Nhat Hanh once said, “Anger is like a storm rising up from the bottom of your consciousness. When you feel it coming, turn your focus to your breath.” Emotional reactivity or how we relate to stress causes the greatest damage. In other words, does the hostile opposing counsel cause extreme stress or is it your reaction to the conduct that is so damaging to your well being? Examining your thoughts, feelings, and bodily sensations reveals the answer.

Enhanced self-awareness lies at the heart of mindfulness. Jon Kabat-Zinn, the founder of the highly regarded mindfulness-based stress reduction program, explains, “Mindfulness means paying attention in a particular way: on purpose, in the present moment, and nonjudgmentally.”⁴ This state of being creates the opportunity to explore your thoughts and feelings to mitigate stress and provide greater clarity in the moment.

Rooted in ancient Buddhist tradition but secularized for the Western world, mindfulness has grown in popularity and been

embraced everywhere from the elementary school classroom to the corporate boardroom.⁵ The practice has intrigued the legal profession, which is skeptical by nature, as the scientific evidence has grown.⁶ Recent research, while not entirely conclusive, has found that mindfulness facilitates both the reduction of stress and the creation of new neural pathways in the brain.⁷

Practically speaking, being present in the moment enhances both self-awareness and appreciation of the subtle space or pause that exists between action and response.⁸ The mental break allows an individual to consciously formulate a decision rather than to emotionally react.⁹ This provides perspective, increases clear thinking, and reduces stress. However, this practice is not a panacea for removing all stress. In fact, our stress response is innate and critical to our survival. (Think running from a burning building or other modern day manifestations of being chased in the wild.) Instead, mindfulness assists with how we relate to stress.

“Creating space in the day to stop, come down from the worried mind, and get back into the present moment has been shown to be enormously helpful in mitigating the negative effects of our stress response,”¹⁰ psychologist and author Elisha Goldstein explains. As our relationship with stress is refined, we are more able to embrace the uncertainties of life knowing that we can cope and survive the challenging moments in our daily lives.

Mindfulness meditation takes various forms, but the basic components involve sitting in an upright and stable position and focusing your attention on your breath as you lower or close your eyes. When your mind begins to wander, notice the thought that is distracting you. Then decide to let it go for the moment and return your focus to your breath.¹¹

It takes patience and practice, but the good news is that the meditation may be done virtually anywhere, individually or in a group, and there are a lot of apps for your smartphone and other devices that provide

guided meditations.¹² Experiment to find the type of mindfulness meditation that resonates for you. Once you discover the method that works best, stay with the practice. You will find the calm in the storm. **TBJ**

Notes

1. Elisha Goldstein, *Stressing Out? S.T.O.P.*, Mindful (2013) <http://www.mindful.org/stressing-out-stop/>.
2. Leslie A. Gordon, *How Lawyers Can Avoid Burnout and Debilitating Anxiety*, ABA Journal (July 2015) http://www.abajournal.com/magazine/article/how_lawyers_can_avoid_burnout_and_debilitating_anxiety; Elizabeth Olson, *High Rate of Problem Drinking Reported Among Lawyers*, New York Times (February 4, 2016) http://www.nytimes.com/2016/02/05/business/dealbook/high-rate-of-problem-drinking-reported-among-lawyers.html?_r=0.
3. *Id.*
4. Jon Kabat-Zinn, *Wherever You Go, There You Are*, Hachett Books (2005, originally published in 1994).
5. Paul Haskins, Editor, *The Essential Qualities of the Professional Lawyer*, American Bar Association (2014); Jan L. Jacobowitz, Chapter 18, *Mindfulness and Professionalism*, 235, American Bar Association (2013)(internal citations omitted); Mindful Magazine Staff, *Research Round-Up: Mindfulness in Schools*, Mindful (2013) <http://www.mindful.org/research-round-up-mindfulness-in-schools/>; Stephany Talika, *Middle-Schoolers Tame Anxiety in “Release” Short Film*, Mindful (September 30, 2016) <http://www.mindful.org/middleschoolers-tame-anxiety-release-short-film/>.
6. Elisha Goldstein, *Stressing Out? S.T.O.P.*, Mindful (2013) <http://www.mindful.org/stressing-out-stop/>; Daniel Siegel, *The Science of Mindfulness*, Mindful (2010) <http://www.mindful.org/the-science-of-mindfulness/>; T.L. Jacobs, et al., *Self-reported Mindfulness and Cortisol During a Shamatha Meditation Retreat*, Health Psychology (October, 2013). See also, *Mindfulness From Meditation Associated With Lower Stress Hormone*, Science Daily (March 28, 2013) <https://www.sciencedaily.com/releases/2013/03/130328142313.htm>.
7. *Id.*
8. Jan L. Jacobowitz, *The Benefits of Mindfulness for Litigators*, Litigation, Spring 2013 Vol. 39 No. 2; Paul Haskins, *The Essential Qualities of the Professional Lawyer*, American Bar Association; Jan L. Jacobowitz, Chapter 18, *Mindfulness and Professionalism*, 235, American Bar Association (2013)(internal citations omitted).
9. *Id.*
10. Elisha Goldstein, *Stressing Out? S.T.O.P.*, Mindful (2013) <http://www.mindful.org/stressing-out-stop/>.
11. Interestingly, the process of letting distracting thoughts go is sometimes described in a guided meditation as seeing thoughts float by on clouds. I have found that a different metaphor provides greater assistance for some lawyers; that is, placing the distracting thought in an imaginary file folder to be reviewed at a later time. Regardless, the idea is to be aware of the thought momentarily and then refocus your mind on your breath.
12. Marlynn Wei, *What Mindfulness App Is Right for You?*, Huffington Post (August 24, 2015) http://www.huffingtonpost.com/marlynn-wei-md-jd/what-mindfulness-app-is-right-for-you_b_8026010.html; Mayo Clinic Staff, *Meditation: A simple, fast way to reduce stress*, Mayo Clinic (July 19, 2014) <http://www.mayoclinic.org/tests-procedures/meditation/in-depth/meditation/art-20045858?pg=1>; *Getting Started with Mindfulness*, Mindful <http://www.mindful.org/meditation/mindfulness-getting-started/>.

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