Mindfulness: Tapping Into Its Power to Achieve Professional and Personal Success and Wellness

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Nowadays, "mindfulness" has become quite popular, not just in healthy living courses and yoga classes, but in corporate America and elsewhere.[1] Even lawyers, who are usually somewhat change-averse, have taken note and begun to implement mindfulness programs in law schools and law firms.[2]

For those of us who practice mindfulness, we know the benefits, but if you have not yet tried it, we hope this article will introduce you to its value both personally and professionally. Although the advantages will vary from person to person, the authors and certain studies have found mindfulness to help decrease stress, ineffective and inefficient "busyness," and knee-jerk reactivity, while increasing concentration, efficiency, and thoughtful and creative responses.[3] Practicing mindfulness hones "executive control rather than autopilot, and enables intentional actions, willpower, and decisions."[4]

In addition, aside from reducing stress, studies have found that practicing mindfulness positively influences health in a variety of ways, including the following:

- Reduction in age-related loss of grey matter.
- Increased gyrification/folding of the cortex, which may allow quicker data processing.
- Increased thickness in the hippocampus, which governs learning and memory.
- Thickening of the pre-frontal cortex, associated with higher order brain functions such as focus and decision-making, including increased ability to concentrate for people with and without attention deficit disorder diagnoses.
- Shrinking of the amygdala, which governs fear, including "fight or flight" reactions, as discussed later in this article.
- Assistance with treatment of emotional and psychological conditions such as anxiety, depression, obsessive-compulsive disorder, and borderline personality disorder.
- Decreased mind-wandering, which has been associated with rumination, worry, and anxiety.
- Assistance with treatment of addiction.
- Alleviation of symptoms of sleep disorders.
- Alleviation of symptoms of irritable bowel syndrome.
- Reduction of chronic pain.
- Decreased cortisol levels.
- Decreased blood pressure.
- Increased immune system functions.[5]

A mindfulness practice can also help with matters of professionalism[6] and professional conduct, increasing civility,[7] competence, diligence, promptness, communications, and advising methods, and even with the substance of that advice.[8]

1. First Things First: What Is Mindfulness?

Before we delve into the benefits of a mindfulness practice or how to engage in a mindfulness exercise, what is mindfulness? Mindfulness can be defined in various ways. One definition describes it as "paying attention in a particular way: on purpose, in the present moment and non-judgmentally."[9] Another definition is that it is "a way of looking at the world at any given moment with increased awareness and focus."[10] The many definitions of mindfulness is just one of the reasons that reading about mindfulness is not sufficient to understand it fully, and engaging in a mindfulness exercise even just a few times can be much more elucidating.

That said, the authors of this article define mindfulness in the following two ways: "*being present in this moment without self-judgment/judgment*" or "*moment to moment awareness, on purpose, without judgment.*" But what does it really mean to be present in this moment without self-judgment/judgment or to have moment-to-moment awareness, on purpose, without judgment? Let's explore each part of these two definitions.

a. Being present

Being present or having awareness means to pay attention and to be aware of and experience what is happening internally, both physically and mentally, and it can also mean to pay attention to what is happening externally. For purposes of this article, we will focus primarily on the internal. This part of mindfulness means noticing what your body is feeling physically and what your mind is thinking—noticing all aspects of a moment, including thoughts (mental events), sensations (physical events) and emotions, without trying to change anything, or make anything different. It means simply being with things as they are. During certain mindfulness exercises, you may decide merely to notice those things.

Other times, you may want to ask yourself why your body feels that way or why you are having a particular thought, which reflection can be undertaken with a mindful quality, but goes beyond a mindfulness exercise, because it is asking the self to "do" something—reflect or analyze—rather than simply to "be." In a pure mindfulness exercise, we merely attempt to notice things as they are. A mindfulness practice may enhance your ability to engage in this focused attention during your daily life, without being in the middle of a conscious mindfulness exercise.

For example, if you decide to take a five-minute mindfulness break during your work day, as suggested later in this article, you may find that you are feeling tension in your shoulders. In some cases, you may simply notice that and try to relax your shoulders, with nothing more. On other occasions, during that mindfulness break, you may ask yourself why there is tension in your shoulders, and you may discover that you have been worrying, without realizing it in the "back of your mind," about the outcome of some pending issue in a deal you are handling. That may allow the mindful awareness you experience to shift your paradigm. For instance, you may realize it is something you control, in which case worrying about it is not going to help, but now that you have identified this concern, you can take productive action to address it. Or, on the other hand, you may realize that your concern is about something over which you have no control, in which case, again, worrying about it is not going to help! That realization, alone, may reduce your anxiety and physical discomfort. You may also experience less fatigue as a result. High and/or chronic stress and anxiety may sap you of energy,[11] as well as drawing your attention away from other matters on which you are working, and making you less productive.

To be clear, mindfulness exercises are not intended to acheive an end-goal, such as the reduction of stress or anxiety; they are intended to experience things as they are, without trying to change them in any way. However, sometimes simply noticing and observing what is happening in the body and mind shifts what is happening in the body and mind.

b. In this moment, on purpose

Being present in THIS moment, or moment-to-moment awareness, means focusing on the here and now. It means that you are not rehashing something that happened in the past, whether 10 years ago or 10 minutes ago. It also means not thinking about the future. We notice what is happening right now.

Being present or aware "on purpose" means that you are approaching the moment with the intention of focusing on what is happening in that moment. It can also mean that you have the intention to take notice without judgment, as discussed below.

c. Without self-judgment/judgment

Being without self-judgment means that, as you're honing in on physical sensations in your body and thoughts passing through your mind, you should not berate yourself for anything you discover you are feeling or thinking. Using the example of the five-minute mindfulness break above, if you discovered that your shoulders were tense, you can simply notice that, breathe into the tension, and move on. However, if you notice recriminating thoughts start to flood your mind, such as berating yourself because you have allowed yourself to get tense, simply notice that as "judgment." Notice judgment as it appears.

Another example is to listen to the "self-judgmental" thoughts that cross your mind, including those that are insidious and do not appear to be self-judgments at first glance, such as "I should have done X" or "I have to do Y." As an aside, note that these are actually evidence that you are not in THIS, the present moment (i.e., the first thought is about the past, and the second thought is about the future).

However, if those thoughts come to mind, notice them with a non-judgmental curiosity. Is it really true that you should have done X? Is it really true that you have to do Y? Your mind is making a judgment about what is necessary. Your mind has jumped to the conclusion that you should have done something or that you must do something that, in fact, may not be necessary and may not be the best course of action.

Similarly, if your mind wanders during your mindfulness practice, then, without chiding yourself for having lost focus, simply bring your mind back to the present moment by following the path of the breath as it moves in and out of your body. In fact, as you embark on this journey into mindfulness, even those of you with the most highly developed ability to focus should expect that your mind will wander.

What do we mean by being without judgment? Humans generally make split-second judgments about the world around us on a daily basis, particularly lawyers, who have been trained to make judgments.[12] Humans likely survived by having our brains develop biases that help us make those quick judgments, such as deciding to hide when seeing a blur of light tan fur in the woods, as opposed to the statelier gallop of dark brown fur with antlers. In that example, our early ancestors could quickly distinguish one of our predators, such as a lion, from a potential food source, such as a deer. In fact, what we think we see is often not what we have actually seen, but rather the brain "immediately and unconsciously activates everything it knows (or believes) [about who or what it has observed]...In less than a second...those stereotypes act back on our visual system"[13] and become part of our subjective perception, of what we believe we have just seen objectively.[14] In the example above, where your mind has taken a position that you "should" do something, it may be that your brain has made an incorrect judgment that you are in danger; it is a perceived threat, but perhaps not an actual threat. This occurs even when we don't endorse, or even when we despise, a particular stereotype or type of bias. Given these cultural and social contexts and constructs that we each carry with us, you can likely see how these types of bias can also impair the legal profession's progress in reaching equality in terms of race, gender, sexual orientation, and disabilities, which has been a part of professionalism programming, rules, and/or oaths of admission to the bar for some time now.

Being without judgment during a mindfulness exercise means that you are going to try to be consciously cognizant of your tendency to react very quickly to stimuli. Notice judgments and reactions, return your attention to following the path of the breath in the body, and continue to simply observe aspects of the present moment. This process provides us with an opportunity to respond thoughtfully to events rather than react on auto-pilot.[15]

Being without self-judgment and without judgment during mindfulness practice will give your mind permission to think creatively and perhaps even see possibilities that were not immediately evident. For example, you may have an initial reaction to a problem that leads you to conclude the situation "requires" one of two possible courses of actions—a binary choice. After taking a few minutes for a mindfulness exercise, you may instead discover that there are other alternative solutions, and you may even discover win-win solutions, where the solution results in additional value to both parties. Mindfulness meditations have been reported to change the brain and have a variety of neurological benefits, including in learning and decision-making.[16] Brain-imaging techniques have shown that mindfulness can "profoundly change the way different regions of the brain communicate with each other—and therefore how we think—permanently."[17]

2. Intersection of Mindfulness With Ethical Legal Practice and Professionalism – ABA Model Rules of Professional Conduct and Beyond

The foregoing discussion about responding thoughtfully rather than reacting, and about thinking outside the box are a good segue into the intersection of having a mindfulness practice and having an ethical and professional legal practice. We will begin this discussion with perhaps the least obvious of the rules of professional conduct to intersect with mindfulness. ABA Model Rule 1.1 on competence states that "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."[18]

As the comment to this rule goes on to state, competence requires inquiry and

analysis of the factual and legal matters, as well as adequate preparation and attention to the matter at hand.[19] As previously discussed, mindfulness practices may allow the brain to focus its attention more fully and to analyze and respond thoughtfully, rather than being distracted and unfocused and making split-second judgments that may be based on faulty, unconscious biases or simply on knee-jerk reactions to stress, the effect of which we'll explore further below. Also, as discussed, mindfulness may allow lawyers to think about problems in new ways and find alternative solutions for those problems.

ABA Model Rule of Professional Conduct 1.3 requires lawyers to use reasonable diligence and promptness in representing a client.[20] Procrastination is specifically called out in the comments to this rule as a shortcoming.[21] In some cases, procrastination may actually be a maladaptive mechanism for coping with stress—an avoidance mechanism. For some people, procrastination is actually achieved through busyness. Busyness can be an addiction to constant busy activity that helps some people avoid difficult problems or situations. It "is an advanced sort of laziness. It keeps us busily occupied with tasks....As we keep ourselves occupied with tasks, important or not, we avoid facing life...and the issues that are... hard to look at."[22] To the extent that a mindfulness practice may decrease the stress that comes with addressing the complex, important issues that take time and thought, it may also increase diligence and promptness.

Aside from procrastination, for some people, busyness is also (or alternatively) about trying to multi-task and respond to everything immediately. We've already discussed the detrimental effect that knee-jerk reactions can have, but there is also an inefficiency to working in this way. Studies have found that the human brain cannot really multi-task in the way we often think of what multi-tasking means—i.e., doing more than one thing at the same moment in time —but rather the brain simply shifts its attention from one matter to another quickly, although not as quickly as we think. Earl Miller, a neuroscience professor at MIT, calls this the switch cost; it takes our brains time to get back to where it was before switching its focus. "While this isn't a big deal if you're doing something simple and rote—making an omelet, say, or folding clothes—it can be a very big deal if your brain is trying to sort out a complex problem, Miller says."[23] Thus, in addition to reactivity (rather than proactivity or thoughtful responsiveness), this can lead to distraction and a feeling of "busyness" that is likely resulting in less efficiency, less effectiveness, and even less productivity.[24] "When we slow down momentarily and let go of doing things, we allow the brain to let go of the immediate urge for dopamine and we can focus and choose our actions out of clarity and freedom, rather than impulses.... By slowing down, we can speed up."[25] A mindfulness practice allows us to experience this momentary slow down, and experience life as a human "being," rather than a human "doer."

In addition, an unfocused and wandering or distracted mind may mean that you are overbilling. It can also lead to mistakes, which are certainly less efficient and effective, and may also be violations of other ethical responsibilities to clients and result in malpractice claims.

Over 3,500 studies have shown that mindfulness training leads to health benefits and improved professional outcomes. Mindfulness training and practice can reduce your personal error rate (e.g., miss fewer details in conversations, emails, writing, etc.), and such training and practice may lead to increased focus. In a 2012 study, professionals trained in mindfulness could concentrate better, stay on task longer, and multi-task more effectively.[26] Additionally, professionals who practice mindfulness have less emotional exhaustion and greater job satisfaction.[27]

Practicing mindfulness can lead to an increase in productivity. A Harvard University study in 2010 reported that most of us are "off task" or not focused on what we are doing, or supposed to be doing, 47% of the time.[28] Practicing moment-to-moment awareness strengthens our ability to be on task by training the mind to attend to what is happening in the moment.

ABA Model Rules of Professional Conduct 1.4 and 2.1 require an attorney to communicate with, and reasonably consult with, her clients and provide advice to them. As noted above, mindfulness exercises may help avoid tunnel vision and help you see additional alternatives on which you should advise your client. Furthermore, advising style/methods and communications can be an issue for attorneys. Lawyers

sometimes fail to communicate with clients clearly because they are trying to rush through an explanation or are not fully paying attention. As a result, they may use too much legal jargon and skip portions of background explanation, and they may not listen to the feedback from the other participant in the discussion (e.g., the client), thereby failing to realize that the client has not understood what the lawyer has just attempted to explain. According Rule 1.4, the lawyer has to explain matters sufficiently so the client can make informed decisions, and according to the comment to this rule, the client needs to have enough of an understanding to "participate intelligently" in decisions concerning the representation.[29] If the lawyer is talking to the client, using vocabulary with which the client is not familiar and skipping over the fundamentals underlying the matter at hand, the client will not be able to participate intelligently and make an informed decision. Similarly, the comment on Rule 2.1 states, "Advice couched in narrow legal terms may be of little value to a client..."[30] In addition, an attorney's decision of whether to communicate orally or in writing is multi-faceted, but the increasing reliance on email should be carefully evaluated to ensure that clients are able to glean the information they need in that format. Legal writing style and length (and attorneys' tendency to write in legalese) may not be the most effective means of communicating with certain clients. It may not be the best means of communication even when dealing with a corporate client's in-house counsel. Practicing mindfulness may help you be more focused on these issues in your communications.

By increasing awareness and focus on the present moment, mindfulness can assist with listening skills and communications.[31] It can influence, not only communications with clients in relation to the rules of professional conduct discussed above, but also communications with opposing counsel, which is likely the key element to professionalism, and certainly to civility, in the practice of law. Many times, in the heat of the moment, one lawyer will say something to another that falls short of the level of professionalism and civility with which lawyers should communicate with one another, even if they disagree and are on opposing sides of a contentious litigation. In fact, some might find excuses for incivility in the context of a hostile confrontation. So how do you explain it the context of transactional attorneys, who are not in the midst of a dispute and who are supposed to be helping people come to agreement and make deals?

After learning about and practicing mindfulness, Judge Alan Gold, a U.S. district judge for the Southern District of Florida, says he "experienced a heightened awareness of the relationship between stress and civility. I found that mindfulness practice helped me do my job better, and also helped the lawyers [appearing before me] relax and perform more effectively."[32] Judge Gold pointed out that, as part of the Florida Bar's oath of admission, attorneys pledge to treat opposing parties and their counsel with civility. Yet civility and professionalism continue to be top areas that lawyers and non-lawyers report that the legal profession needs to improve. He discussed how anxiety and stress, particularly the extreme and cumulative stresses under which attorneys operate, have been found to result in inappropriate responses,[33] including impatience, irritability, and anger, which can end up manifesting themselves as a lack of civility.

A 2005 study by Lazar, et al., indicated that practicing mindfulness meditation builds gray matter in the brain. The thicker insula, found in mindfulness meditators, promotes "increased capacity for awareness of internal states by meditators'" and that "meditation may be associated with structural changes in the areas of the brain that are important for sensory, cognitive and emotional processing."[34] In short, these findings support that you can have an appropriate response to sensory information.

Judge Gold makes it a point to tell his readers that his recommendation of engaging in a mindfulness practice is not intended to require an attorney to relinquish any advantage or

> give up your edge. To the contrary, in addition to managing stress, improving health, and increasing civility, my recommendations are directed to enhancing your skills and effectiveness. Does this sound too good to be true? Not so. What I am suggesting to you is no more than how martial arts masters deal with moments of intense conflict; that is, from the center, flowing with the breath. We can apply these same martial arts skills to the practice of law and achieve an energized calm, and with it, a proactive and focused choice that adds to our power...[35]

3. Intersection of Mindfulness With Well-Being

Aside from helping our professional performance, practicing mindfulness can help our personal well-being and health. As a segue from the preceding discussion about stress and civility, let's first consider the effect of stress on our well-being and health.

Our bodies respond to stress by getting our adrenaline pumping, as well as other chemicals.[36] Although adrenaline initially gives you a burst of energy, "overdoses" of adrenaline can ultimately result in fatigue. Prolonged exposure to the various chemicals that our bodies produce during episodes of stress can result in compromised immune systems and has been linked to a panoply of diseases, such as heart disease, cancer, and others, as well as psychological and emotional impairments.[37] For example, cortisol release in the body typically helps to stop inflammation. However, Carnegie Mellon University researchers discovered in 2012 that chronic stress causes tissues to stop reacting to cortisol, such that "the inflammatory response that the immune system normally launches to protect the body goes into overdrive. That excess inflammation may lead to anything from the common cold to, in the long run, heart attacks, stroke and autoimmune disorders."[38]

Sometimes our multi-tasking attempts are driven by another chemical messenger in the body: dopamine. For example, glancing over and reading the text that just came in from your friend, while attempting to respond to the email from your paralegal on your computer screen and sign a letter that your secretary walked in and placed in front of you, may all release dopamine, which provides a short-term feeling of enjoyment or gratification. However, dopamine can be addictive, so the brain begins to crave another "high" of dopamine, and we find things to keep us busy. Studies on the use of technological devices for activities such as emailing, texting, and online gaming are showing that these activities are particularly prone to becoming addictive.[39] Activities that take more time and thought or that are more difficult or require more effort, *such as an attorney's job of solving complex problems*, may get put on the back-burner in order to take care of these other matters that *appear* more pressing and, therefore, *appear* more important, even if they really are not as significant and perhaps are not even truly urgent.[40] How many times have you arrived at the office with a plan as to what you need to address first and accomplish that day, and your plan ends up being diverted by unexpected emails and calls about other matters to which you reacted instead? Did you realize that you were reacting to and addressing those other matters rather than following your plan? Practicing mindfulness meditation develops our capacity to respond rather than react to events.

These chemical reactions to stress in our lives often activate the lower reptilian brain, sending us into flight or fight mode, where we take in the signal of danger and our bodies respond in the ways that would have protected humans centuries ago from the dangers they faced: getting them ready to flee, fight, or sometimes even freeze or collapse, in each case as a method of defense against the danger. The issue is that the "dangers" we modern humans are facing in, say, the office are not those types of dangers and require other responses, such as problem-solving. Ironically, stimulating the fight or flight part of the brain results in decreased activity in the reasoning centers of the brain. This disconnect from the brain's reasoning centers can interfere with effective and ethical lawyering, as well as with decision-making in our personal lives.

In addition, people will sometimes deal with stress by using maladaptive and self-destructive coping mechanisms. Some will self-medicate, whether with over-the-counter medication, alcohol, or illegal drugs. Other people may turn to other types of addictive behaviors as a coping mechanism, such as gambling, online gaming, and others. A mindfulness meditation practice can assist in short-circuiting addictive behaviors.

Mindful awareness may help us in "noticing...problematic thoughts [that] might arise,"[41] as well as "paying attention to the experiences of craving...that can automatically lead to an impulsive behavior. ...These practices are teaching people to notice [what is] arising, and to relate to that differently."[42] So there is less of a "tendency to reach for something in order to feel better."[43]

One way to develop a mindfulness practice is to participate in an eight-week Mindfulness-Based Stress Reduction (MBSR) class. MBSR is taught at universities, hospitals, and other locations throughout the United States and elsewhere. MBSR's efficacy

in mitigating a host of health issues, both physical and emotional, are supported by literally thousands of empirical studies.

A landmark study led by Harvard-affiliated researchers at Massachusetts General Hospital in 2010 "documented brain changes occurring over time in people learning how to meditate mindfully."[44] The study reported that participating in an eight-week MBSR class "appears to make measurable changes in brain regions associated with memory, sense of self, empathy, and stress."[45]

Articles have reported that mindfulness practices and meditation decrease cortisol levels (and blood pressure) and increase immune responses.[46] It may be that much of the benefit of mindfulness comes from the breathing exercises included in most mindfulness practices. Dr. Andrew Weil, the well-known integrative health physician, has been quoted as saying, "I think breath is the only function through which you can influence the involuntary nervous system."[47] Studies have shown a link between practicing slow, even breathing exercises on a daily basis and a reduction in (a) blood pressure in people with hypertension, (b) the number of awakenings during the night in people with insomnia, and (c) in anxiety as compared to a control group. Moreover, breathing exercises may increase oxygen intake, which may have its own set of health benefits.[48]

In addition, mindfulness and meditation have been found to increase the thickness of cortical tissue in the brain, associated with high order brain activities, such as paying attention and making decisions.[49] Similarly, a UCLA study found that age-related thinning of cortical tissue in the brain of long-term meditators was less drastic than in the study participants who were not meditators.[50] MRI scans have shown that the amygdala, which is the brain's fight or flight center, shrinks after eight weeks of mindfulness practice. The connection between the amygdala and other parts of the brain also gets weaker, which changes the way we process information and is correlated with an increase in the higher order brain functions, such as concentration.[51]

Practicing mindfulness regularly may have several health benefits as noted above and can help us recover more quickly from episodes of stress. Repeatedly quieting the stress circuits increases the brain's flexibility and decreases the brain's reliance on/addiction to certain chemicals our bodies produce. The brain becomes used to a state of ***not*** being bombarded by the various stress chemicals. The brain can then focus on the present and pay attention to resolving the matters at hand that are important.

4. Sample Mindfulness Exercises

If all of these professional and personal benefits are enticing enough that you are thinking you would like to give this "mindfulness stuff" a try, then you are probably wondering by now, "what is a mindfulness exercise and how do I do it?" We hope you will find an exercise to implement from the samples below. In each case, be careful of any physical limitation that may affect you and, if necessary, modify the exercise to accommodate that limitation.

a. Awareness of Breath Exercise

One type of mindfulness exercise is a simple "Awareness of Breath" exercise. In fact, most mindfulness exercises will include awareness of breath, so this is a good one with which to begin.

- Sit in an upright position that feels stable and comfortable.
- Place your feet flat on the floor.
- Allow your hands to rest comfortably in your lap or on your thighs.
- Gently close your eyes or, if you prefer to leave your eyes open, simply drop your gaze to the floor a few feet in front of you, so that you are not working at the process of "seeing."
- Focus your attention on your breathing, notice the flow of the breath in and out of the body, following the path of the breath as it moves through your body.
- When you notice your mind wandering, simply refocus on your breath.[52]

Start with practicing Awareness of Breath for three minutes. As simple as it sounds, it is not easy. Your mind will wander, and when you notice this happening, gently but firmly bring your attention back to following the path of the breath in the body.

For an extended mindfulness exercise, you can do this for 15 minutes, but shorter amounts of time are beneficial, too. The authors recommend setting a recurring calendar reminder twice a day during the work week and engaging in a five minute "Awareness of Breath" exercise in the mid-morning and mid-afternoon if you work in an office or other setting conducive

to this. You may find that a mid-afternoon, five-minute mindfulness exercise is more refreshing than a cup of coffee! With practice, your awareness of breath may become so familiar that, during a day-to-day occurrence or interaction with someone, you may be able to imperceptibly and quickly adjust your posture to a comfortable position and take a few deep breaths, noticing the inward and outward flow of your breath, while you continue, seemingly uninterrupted, through the event or interaction.

b. Mindfulness-based "ColorInsight Practice"

The following mindful reflection exercise deals specifically with issues of bias. It is primarily intended to deal with racial bias, but it can be applied to any sort of bias by making slight modifications to the questions asked—from bias based on gender to bias based on disability, from bias based on the type of law firm opposing counsel works with (i.e., large vs. small) to bias in addressing every issue in a transaction by email rather than phone (or vice versa).

> Mindfulness-based "ColorInsight Practices" combine personal, interpersonal, and other forms of social-identity-based bias in our lives. We bring attention to these aspects of our lives with as much compassion for ourselves and for others as we can muster—and with the conviction that real change is possible. Here's a practice for you to try:
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> Sit in silence for a few minutes, bringing attention to the body and breath. Think back on your life experiences over the past 24 hours with nonjudgmental awareness. Reflect on the settings in which you have moved, including to, from, and during work. What races do you typically encounter? In what roles? Do some groups predominate as among the powerful or the powerless? Take a few minutes to write in a journal about what you know, including the habits or conditioning you may have around acknowledging or avoiding this aspect of your own life experience. Notice not only the thoughts but also emotions and physical sensations that arise as you seek to turn more forthrightly to this aspect of your own life. Consider developing an intention of gently bringing mindful awareness to these aspects of your life, inviting the will to work with this dimension of your experience with greater compassion, courage, and curiosity in the coming week.[53]

c. Mindful Listening

This mindful listening exercise, a variation on a communications exercise, can be practiced during any conversation or for a specific conversation that you expect will be difficult. Ultimately, it can also be applied to all of your discussions, which may improve your communication skills.

- "Give your full attention to the other person.
- Become aware of your body (breath, feet, hands, etc.) from time to time to help stay present.
- When your attention wanders, bring it back to being present with the person."[54]

While giving the other person your attention, do so with the intention of listening fully and with interest. In other words, approach this attention with curiosity, rather than as an obligation. In terms of being aware of your body, use it not only as a way to remain in the moment, but also use eye contact appropriately. "Silently note your reactions as they arise: thoughts, feelings, judgments, memories. Then return your full attention to the speaker."[55] In addition, listen actively by reflecting back verbally what you are hearing, asking open-ended questions and clarifying your understanding when necessary, and then acknowledging the speaker's perspective.[56]

Conclusion: Ongoing Mindfulness Practice

Ultimately, the goal is to use these mindfulness exercises or practices—i.e., to BE MINDFUL—during the course of our day-to-day lives. Taking the time to engage purposefully in mindfulness exercises once or twice a day will work like strengthening a muscle that you will then be able to call upon at any time, rather than solely during an exercise. You will catch yourself in a stressful situation and remember to take a few deep breaths, which will help you to respond to the stimuli thoughtfully, rather than having a knee-jerk reaction. You will notice when you are trying to multi-task and decide to mono-task instead, giving your full, undivided attention to one client and one matter at a time. The practice of mindfulness may assist you in becoming a more productive, efficient, calm, effective, ethical, and professional

lawyer and a more energized, happier, and healthier person, in each case with a feeling of well-being more often than not. ◆

[1] See "Mindfulness Goes Mainstream," The Complete Guide to Mindfulness in Yoga Journal Special Issue 24-26 (2016) (noting the use of mindfulness exercises in the military, schools, and prisons, as well as in business).

[2] See The Honorable Alan S. Gold, "The Art of Being Mindful in the Legal World: A Challenge for Our Times," The Florida Bar Journal 17, 23 (Apr. 2016) (discussing the University of Miami's Mindfulness in Law Program and a South Florida law firm implementing mindfulness programming similar to that offered by Google to its employees); Scott Rogers, "Mindfulness in Law and the Importance of Practice," The Florida Bar Journal 11, 14 (Apr. 2016) (discussing an online video CLE introduction to mindfulness practice to be offered by the University of Miami at http://miamimindfulness.org/flabar2016/).

[3] See Rogers, at 11; Kyra Bobinet, "Give Your Fast Brain a Break," in "Take a Mindful Moment: 5 Simple Practices for Daily Life," Mindful Special Edition: Get Started with Mindfulness 61 (2016).

[4] Bobinet, at 61.

[5] See Amanda Mascarelli, "Feel Better Starting Today," The Complete Guide to Mindfulness in Yoga Journal Special Issue 10-13 (2016); Tom Ireland, "What Does Mindfulness Meditation Do to Your Brain?," Scientific American (June 12, 2014), *available at* https://blogs.scientificamerican.com/guest-blog/what-does-mindfulness-meditation-do-to-your-brain/ Alice G. Walton, "7 Ways Meditation Can Actually Change the Brain," Forbes (Feb. 9, 2015), *available at* http://www.forbes.com/sites/alicegwalton/2015/02/09/7-ways-meditation-can-actually-change-the-brain/#7758742d7023; Mandy Oaklander, "Breathing Lessons," Time Magazine Special Edition: Mindfulness, The New Science of Health and Happiness, 22-23 (2016); Rogers, at 12, Gold, at 18 & 20.

[6] See Rhonda V. Magee, "'If You Plant Corn, You Get Corn': On Mindfulness and Racial Justice in Florida and Beyond," The Florida Bar Journal 37 (Apr. 2016).

[7] See Gold, at 17.

[8] See generally Model Rules of Professional Conduct 1.1, 1.3, 1.4, and 2.1 (ABA Center for Professional Responsibility 2016).

[9] Mary Elizabeth Williams, "Why Every Mind Needs Mindfulness," Time Magazine Special Edition: Mindfulness, The New Science of Health and Happiness 10 (2016) (quoting mindfulness author and instructor, Jon Kabat-Zinn).

[10] "Mindfulness Demystified," The Complete Guide to Mindfulness in Yoga Journal Special Issue 9 (2016).

[11] See Jac Ellard, "Stayin' Alive," mindful: taking time for what matters 40 (Oct. 2016) (discussing adrenal fatigue as a result of constant stress); Rhonda V. Magee, "Reacting to Racism: Mindfulness Has a Role in Educating Lawyers to Address Ongoing Issues," The ABA Journal 26 (Aug. 2016) ("As any given day draws to an end, I am most often *tired*. You probably know the feeling. As a woman of color, my ordinary fatigue is exacerbated by the additional stress of the ugly signs that old-fashioned racism is on the rise in America."); Gold, at 18 (associating becoming "exhausted" with chronic stress).

[12] See Magee, "'If You Plant Corn, You Get Corn,'" at 37.

[13] Sharon Begley, "Beware Your Biased Brain," mindful: taking time for what matters 20 (Oct. 2016).

[14] See id., at 25.

[15] If you take the non-judgmental part of the exercise beyond mindfulness, you may then wish to "try on" different judgments, and you may be surprised to find that a new thoughtful, thought-out judgment is a better fit for you than the one to which your brain had defaulted unconsciously. For example, if you notice a negative thought because you did not get engaged by a new client who you thought was going to engage you, your mind has made a judgment that not being engaged by that client was a negative event. Notice that judgment without reinforcing it or rejecting it, but with compassion for yourself (i.e., without adding recriminating thoughts about having allowed yourself to think negatively) and with curiosity. After noticing that judgment with that openness of mind, you might decide to try an exercise in additional open-mindedness, by asking yourself how not being engaged by that potential new client may have been positive. Perhaps that matter was a rote matter that would not have given you the opportunity to learn something new or perhaps not working on that matter will allow you to spend time cultivating another relationship with another potential client that will result in several new matters.

[16] See Mascarelli, at 12-13; Walton, *available at* http://www.forbes.com/sites/alicegwalton/2015/02/09/7-ways-meditation-can-actually-change-the-brain/#7758742d7023; Ireland, *available at* https://blogs.scientificamerican.com/guest-blog/what-does-mindfulness-meditation-do-to-your-brain/.

[17] Ireland, *available at* https://blogs.scientificamerican.com/guest-blog/what-does-mindfulness-meditation-do-to-your-brain/.

[18] Model Rule of Professional Conduct 1.1 (ABA Center for Professional Responsibility 2016).

[19] Id., at 12.

[20] See Model Rule of Professional Conduct 1.3 (ABA Center for Professional Responsibility 2016).

[21] See id., at 17.

[22] Rasmus Hougaard & Jacqueline Carter, "Are You Addicted to Doing?," Mindful Special Edition: Get Started with Mindfulness 71, 72 (2016).

[23] Markham Heid, "Devices Mess with Your Brain . . . .," Time Magazine Special Edition 34, 36-37.

[24] See Hougaard & Carter, at 71-72.

[25] Id., at 76.

[26] See Levy, et al., "The Effects of Mindfulness Meditation Training on Multitasking in a High-Stress Information Environment," Graphics Interface Conference (2012).

[27] See Hulsheger, et al., "Benefits of Mindfulness at Work: The Role of Mindfulness in Emotional Regulation, Emotional Exhaustion, and Job Satisfaction, Journal of Applied Psychology (Mar 2013), Vol 98(2), 310-325.

[28] M.A. Kinningsworth, D.T. Gilbert, "A Wandering Mind Is an Unhappy Mind," Science (Nov 2010), Vol 330, 932.

[29] Model Rule of Professional Conduct 1.4, at 20 (ABA Center for Professional Responsibility 2016).

[30] Model Rule of Professional Conduct 2.1, at 90 (ABA Center for Professional Responsibility 2016).

[31] See David Rome, "Hear This," Mindful Special Edition: Get Started with Mindfulness 86 (2016); Diana Winston, "Beyond Meditation," mindful: taking time for what matters 73, 74-75 (Oct. 2016).

[32] Gold, at 17.

[33] See id., at 18;

[34] Lazar, et al., "Meditation Experience Is Associated with Increased Cortical Thickness," Neuroreport (Nov. 2005), 16(17), 1893-7.

[35] Gold, at 18; see also "Debunking the Myths of Mindfulness," Mindful Special Edition: Get Started with Mindfulness 14 (2016).

[36] See Jancee Dunn, "Save Yourself from Stress," Time Magazine Special Edition: Mindfulness, The New Science of Health and Happiness 17, 18 (2016).

[37] See Gold, at 18; Ellard, at 40; Dunn, at 19; Carnegie Mellon University, "How stress influences disease: Study reveals inflammation as the culprit", ScienceDaily 2 (Apr. 2012), *available at* https://www.sciencedaily.com/releases/2012/04/120402162546.htm.

[38] Dunn, at 18; see also Carnegie Mellon University, "How stress influences disease: Study reveals inflammation as the culprit", ScienceDaily 2 (Apr. 2012), *available at* https://www.sciencedaily.com/releases/2012/04/120402162546.htm.

[39] See Heid, at 34-35.

[40] See Hougaard & Carter, at 71-72; Heid, at 36; Ed Halliwell, "Is Boredom All Bad?," mindful: taking time for what matters 53, 54 (Oct. 2016).

[41] Carolyn Gregoire, The Huffington Post, "Mindfulness-Based Relapse Prevention Holds Promise for Treating Addiction, *available at* http://www.huffingtonpost.com/entry/mindfulness-based-relapse-prevention-interview_us_5645fd24e4b08cda3488638b.

[42] Id.

[43] Id.

[44] Lazar, et al., Psychiatry Research: Neuroimaging, (Jan. 30, 2011), 191(1), 36-43.

[45] Sue McGreevey, "Eight Weeks to a Better Brain. Meditation Study Shows Changes Associated with Awareness, Stress," Harvard Gazette, (Jan. 2011), *available at* http://news.harvard.edu/gazette/story/2011/01/.

[46] See Rogers, at 12; Gold, at 20; Oaklander, at 22-23; Mascarelli, at 13.

[47] Oaklander, at 22.

[48] See id., at 23.

[49] See Ireland, *available at* https://blogs.scientificamerican.com/guest-blog/what-does-mindfulness-meditation-do-to-your-brain/.

[50] See Walton, *available at* http://www.forbes.com/sites/alicegwalton/2015/02/09/7-ways-meditation-can-actually-change-the-brain/#7758742d7023.

[51] See Ireland, *available at* https://blogs.scientificamerican.com/guest-blog/what-does-mindfulness-meditation-do-to-your-brain/.

[52] See Rogers, at 12; see also Terry DeMeo, "How To Deal with Difficult People," May 29, 2011, *available at* http://www.inner180.com/2011/05/29/how-to-deal-with-difficult-people/ (describing a breathing exercise to use for calmness during moments of stress and also discussing "Heartbreathing" exercises elsewhere on the http://www.inner180.com website).

[53] Magee, "Reacting to Racism," at 26.

[54] Winston, at 80.

[55] Rome, at 87.

[56] See id.

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