



Mindfulness Practice

for Successful Lawyering and a Peaceful Life

by Lori Ann Buza

Mindfulness may help attorneys develop the skills necessary to better respond to the challenges and stress they face in the legal profession. Integrating mindfulness practices into an attorney's life enhances his or her abilities to act ethically and professionally, while providing the attorney with broader insight into his or her clients' needs and the best methods by which to represent them. Mindful attorneys have greater capacity to see what is beneath the surface of their clients' factual concerns and legal issues. Those attorneys are less inclined to exhibit bias based upon preconceived notions, and they are more inclined to accept differences in others. Thus, mindfulness helps attorneys cross class, education, gender, and cultural barriers with their clients, as well as face the challenges of their communities at large.



Traditionally, attorneys are taught to be adversarial, competitive, critical and, often, combative. They are not typically taught compassion, empathy, reflection, or meditation. Attorneys often feel pessimism, perfectionism and are trained to think several steps ahead and of the worst-case scenario. They are usually overscheduled, known to be juggling a large caseload, and are often dealing with demanding clients, partners and/or judges. These pressures can lead to anxiety and depression, as well as substance and alcohol abuse. When the Hazelden Betty Ford Foundation and the American Bar Association (ABA) Commission on Lawyer Assistance Programs researched lawyer impairment, their findings were disturbing.¹ In sampling 16 state bar associations and close to 13,000 licensed and employed attorneys, they found that more than 20 percent of the attorneys reported consistent and problematic drinking. Over a fourth of those attorneys reported some level of depression, and about half of them reported they had experienced depression at some point in their careers.² Also, about 20 percent of the attorneys reported some degree of anxiety and 60 percent of them reported experiencing anxiety at some point in their careers.³ The study also found that .7 percent of the attorneys reported at least one suicidal attempt.⁴

With mindfulness practice, however, attorneys can learn to master and control their own thoughts, which, in turn, may help them control their own behaviors and improve overall well-being. Accordingly, mindfulness can mitigate the tendencies for alcohol and substance abuse, as well as reduce the effects of stress (*i.e.*, relieving headaches, back pain, tension, allergies, asthma, ulcers, fatigue, insomnia, hair loss, anxiety, depression, suicidal thoughts, weight gain) and lower one's heart rate and blood pressure. Mindfulness is useful for all, but it is particularly important

to help individuals with high-stress, demanding jobs, such as attorneys.

Mindfulness may also nurture an attorney's growth in many areas, such as concentration, focus, accountability, decision-making, mental clarity, effectiveness, and problem-solving abilities. Further, attorneys may learn to more clearly pick up on verbal and non-verbal cues and information. As a result, mindfulness may help lawyers maintain stronger relationships with clients; develop more productive relationships with adversaries, judges, and support staff; conduct better client interviews, interrogatories, depositions, negotiations, oral arguments and courtroom activities; and perform more effectively in research/writing, instruction of the law, and mediating/arbitrating and judging cases.

Mindful attorneys also develop the tools for more ethical law practice and, hence, have a greater likelihood of adherence to the Rules of Professional Conduct. As officers of the court and members of the bar, attorneys should behave with the utmost civility and professionalism. Mindless behaviors, to the contrary of mindful ones, are reactive (often over-reactive) responses that can give rise to unethical or inappropriate behaviors. Practicing mindfulness techniques will better equip attorneys to act in an efficient, competent, and ethical manner.

Mindfulness practice will have application to many of the New Jersey Rules of Professional Conduct, including, but not limited to: RPC 1.1 Competence; RPC 1.3 Diligence; RPC 1.4 Communication; RPC 1.6 Confidentiality of Information; RPC 1.7 Conflict of Interest: General; RPC 1.8 Conflict of Interest: Specific Rules; RPC 1.9 Duties To Former Clients; RPC 2.1 Advisor; RPC 3.3 Candor Toward Tribunal; RPC 3.4 Fairness To Opposing Party & Counsel; RPC 3.5 Impartiality & Decorum of the Tribunal; RPC 4.1 Truthfulness in Statements to



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Others; RPC 4.4 Respect for Rights of Third Persons; RPC 5.3 Responsibilities Regarding Nonlawyer Assistance; RPC 7.1 Communications Concerning a Lawyer's Service; RPC 7.3 Personal Contact with Prospective Clients; and RPC 8.4 Misconduct.

Whether lawyer, mediator, arbitrator, or judge, mindfulness teaches one to take time to reflect, be silent, pause before responding, and control the situation or case presented. Instead of mindlessly reacting, mindfulness gives those attorneys and judges the opportunity to offer their best response to a situation, including the best choice of words and actions. Attorneys may learn to listen better and feel empathy for their clients, have humility, and better counsel their clients. In return, clients may develop a deeper trust and higher satisfaction rating for their attorney. In general, mindful practitioners can develop and maintain more authentically based relationships, whether personal or professional.

What is Mindfulness?

Overall, mindful attorneys may become masterful at lawyering, while learning to live a more balanced, and

peaceful life. So the question is: What is mindfulness, and how do attorneys achieve it?

Mindfulness is directing attention to the present without judgment or preconception; not focusing on what has happened in the past nor worrying about what will happen in the future, but feeling appreciation and gratitude for the present. This is not to suggest that one cannot learn from the past nor prepare for the future. Indeed, if attorneys are more mindful in practice, they will have a greater capacity to learn from the past and to better direct their futures. The ability to appreciate supposed failures and mistakes from the past, *in the present*, enables people to grow in a manner that avoids repeat negative occurrences. But one will only be able to do so if he or she is able to have an honest and healthy dialogue with oneself during self-reflection, which comes from mindfulness. Both reflection and meditation bring us the ability to see with more clarity, which includes understanding mistakes from the past while also driving a path to better outcomes.

Meditation is a central process of mindfulness, which originates from Buddhist tradition and ancient Chinese, Indian, and Japanese cultures. In addition to meditation, much of the teachings of martial arts and yoga also utilize mindfulness principles. While meditation, martial arts, and yoga have been practiced for thousands of years in many Asian countries, they have just gained in popularity in the 20th century in the United States. The actual term 'mindfulness' has only come into favor in the last decade to celebrate some of the core teachings of meditation, yoga, and martial arts. The 'mindfulness movement' has taken root and it is continuing to grow.

There has been a clear call to action in the legal industry for employers to support employee well-being, and law

firms may wish to consider employee wellness programs that teach meditation and mindfulness practice. Mindfulness instruction has also been introduced at conferences for attorneys and other business professionals, while universities and law schools have even begun to provide mindfulness classes and programs. The ABA recently passed a resolution to support the goal of reducing mental health and substance abuse disorders of lawyers and improving the wellbeing of lawyers, judges, and law students.⁵ The ABA recommended that all law associations, courts, and law firms consider the recommendations set forth in *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*.⁶

Dedicated time for meditation is a great way for attorneys to get started on their mindfulness journeys for more peaceful and rewarding lives. Engaging in *meditative acts* is also useful for mindfulness growth. For instance, learning breathing techniques to reduce one's heart rate in stressful situations is a meditative act. One may try counting one's breaths, identifying tight regions in his or her body (*e.g.*, forehead, shoulders), and focus on softening them, and releasing tension. Stretching, walking/running, painting, cooking, feeding birds, walking a dog, playing an instrument, and certainly exercising can all be examples of meditative acts that help bring mindfulness and calm.

Mindfulness centers a person and brings him or her to a place of awareness of the present moment (both physically and mentally). So any act that consumes one's attention and draws full awareness to the present moment is a good example of mindfulness. For instance, wine-tasting events utilize mindfulness techniques. Think about how one more thoroughly enjoys a glass of wine while at this type of event. In conducting a wine tasting, the taster utilizes all of his or her senses to enjoy the glass of wine

presented, starting from the sight of the wine's color, the feel of the glass in one's hand, to the wine's scent, the feel in one's mouth, taste in one's mouth, and even its aftertaste. Then he or she is asked to verbally describe the taste (e.g., woody, flowery, nutty). The taster is being directed by the sommelier to fully *appreciate* the present moment—physically and mentally—when tasting the wine. Imagine how much more productive life could be in the law and at home if each moment in time were fully appreciated.

Summing Up

In short, mindfulness practice helps attorneys develop the tools to harmonize work with personal life, and to find peace, joy, and success in both. It helps attorneys with self-awareness, self-regulation, and self-appreciation, as it fosters a richer understanding and insight into oneself and others. Growth takes time and patience, but once one integrates mindfulness practice into his or her life, the rewards are invaluable. Here are some simple and basic techniques that may help attorneys on their journeys to mindfulness for successful lawyering and a more peaceful life:

1. **Breathe.** Stop and breathe. Take breaks from work to direct your attention to your breathing. Start with full breaths from the chest, and then shift to diaphragmatic (belly) breathing. Focus on slowly inhaling and exhaling, and observe what it does to your body in that moment. Close your eyes and notice how your lungs feel as they cleanse.

2. **Eat.** Use your diet as an opportunity to fuel your body, not mask or treat emotion. Savor each bite as you recognize how the food energizes your body. Taste your food, appreciate the different flavors, and enjoy it.

3. **Move.** Be sure to exercise or move your body every day. If you don't have time for regimented exercise, find a way

to move your limbs and raise your heart-beat in a healthy way. Take time to engage your muscles and joints. While doing so, notice how your body operates, observe your perspiration, feel the ground beneath you. Take note of changes to your inhalation/exhalation as you move and exert.

4. **Rest.** Devote enough time to consistent, nightly sleep and also take short rest breaks from work throughout the day. Even if it is for just a few minutes during work, find time to rest your mind and your body. Close your eyes and develop a peaceful awareness of quiet. After rest periods, consciously acknowledge how you feel recharged.

5. **Stretch.** When you wake and at bedtime, take time to stretch your muscles, expand your chest, and open your body. Stretch your limbs, including your fingers and toes. In stretching, reach beyond what you believe you can do. Be aware of your body as it relates to the physical environment around it.

6. **De-Stress.** You may do so with music, art, dance, or a hobby you enjoy that makes you temporarily forget about the stresses of work or problems in your life. Prioritize joy in your life and make time for your healthy desires. Be fully present in that moment of enjoyment. Make a point to smile during these times; notice and enjoy how your forehead, eyes, and shoulders soften when you smile.

7. **Love.** Make a conscious effort to love not only special people in your life, but also nature and the beauty around you in the world. Moreover, love yourself; one may only love and respect others after first developing a true love of self. Each day, allow a feeling of love for yourself to surface in your being and allow it to simmer there as you experience it.

8. **Accept.** Accept yourself, including anything that society may identify as 'flaws.' Recognize that you are special and unique exactly the way you are.

Accept your shortcomings and problems as opportunities for growth and learning.

9. **Appreciate.** Feel gratitude for your life, health, opportunities, and everything that makes you, uniquely you. Be grateful for each moment in your life, with a conscious awareness and appreciation of those moments as you live them. Though after-reflection is also important, true appreciation should be felt in real time. Becoming in-tune with what each of your five senses is currently experiencing brings greater life fulfillment.

10. **Meditate.** Meditating and removing thought from the mind for a short period of time (15–20 minutes) each day may enable you to find greater peace and grow in the above nine areas. Growth will come silently, just like the time you take to find it. It is important to empty your 'cup' so that it may be refilled each day on the path to mindfulness, wisdom, and peace. ☸

Endnotes

1. See 2015 ABA Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation Report.
2. *Id.*
3. *Id.*
4. *Id.*
5. See American Bar Association, Resolution 105, 2018.
6. Prepared by the American Bar Association: National Task Force on Lawyer Well-Being, 2017.