

Why and How to Make Your Daily Life a Little Better

Mindfulness 101

By John Devlin



John Devlin

Editor's note: *This is the first of a two-part series on techniques that legal professionals can use to help reduce stress in what is an often turbulent world. Coming in June: Retired attorney and senior Buddhist meditation teacher Stephen Snyder offers tips for tapping into your innate goodness.*

Why did you decide to read this article?

Perhaps you've heard about mindfulness, but you don't really know what it is. Maybe you've given mindfulness a shot in the past, but you didn't stick with it. Regardless of how you got to this point, you're here now. That means you have some level of curiosity about the concept.

Let's start by taking a few deep breaths. No, really. I want you to take some deep breaths before continuing to read. Breathe in slowly, then exhale slowly. Do that three times.

You just did a mindfulness exercise. You didn't need a special cushion. You didn't

need to be in a designated place. You didn't need any particular objects (candles, incense, etc.). You just needed your breath and your intention.

I hope that short exercise made you feel a little better. I doubt it made you feel any worse. Ultimately, that's my goal with this article — to make you feel a little better than you did before reading it. I want to introduce you to mindfulness techniques that can improve your daily life. My hope is that these techniques will be more accessible than you might think.

First, a confession. Before I started my mindfulness practice in the fall of 2019, I was highly skeptical. Several years earlier, I reluctantly participated in a guided meditation exercise during a meeting. Let's just say that my inner lawyer voice was full of snark during that session. Little did I know that I would be shopping for a meditation cushion a few years later.

What is Mindfulness?

Jon Kabat-Zinn, one of the pioneers of the mindfulness movement, defines mindfulness as "awareness that arises through paying attention, on purpose, in the present moment, non-judgmentally." Take a minute and read that sentence again, focusing on each of the phrases — paying attention, on purpose, in the present moment, non-judgmentally. Each of those phrases describes a different aspect of mindfulness.

One way to think about mindfulness is to imagine its opposite — mindlessness. Think about driving somewhere familiar and realizing that you have no memory of how you got there, or eating a meal while doing something else and realizing that you have not tasted the food. We often go through the present moment on autopilot while our mind is elsewhere. Mindfulness is a focused effort to keep our attention in the present moment.

To keep it simple, I have broken down mindfulness into two essential techniques: daily meditation and being present in everyday life. Before we dive into those techniques, though, I think a brief science lesson might be helpful.

The Science of Mindfulness

There is growing evidence that mindfulness can affect the structure of your brain in positive ways.

Dr. Sara Lazar, a professor at Harvard Medical School, has demonstrated that a consistent mindfulness practice correlates with an increase in the hippocampus (which helps learning, memory and emotional regulation) and the temporoparietal junction (which helps cognition, perception and compassion), and a decrease in the amygdala (which manages our fight, flight or freeze system). These changes are a result of neuroplasticity — the concept that our brains continue to change over the course of our lives.

Mindfulness is a way to intentionally make those changes.¹

While much of this research is in its early stages, there is widespread consensus that developing a mindfulness practice can have a positive impact on a person's daily life. Some of the main benefits are a reduction in stress, anxiety and irritability, along with an increase in relaxation, connection and focus.

The great news is that meditating for a relatively short period of time (10-20 minutes) appears to be enough to produce those benefits. But there's a catch: The key to neuroplasticity is consistency, so it's ideal to have a daily practice.

If you research the benefits of mindfulness, you quickly will discover that there are claims about its ability to help with a wide variety of health problems. Some of the research also suggests that mindfulness



Mindfulness can be as simple as walking your dog, attorney John Devlin says. He's learned to notice the sounds around him, the objects he passes and the feel of his steps on the ground. Photo courtesy of John Devlin

can slow down the brain's aging process. While those claims are speculative, I think it's fair to say that, like a lot of brain science, the research into the power of mindfulness is in its infancy. We don't understand all of the ways in which mindfulness impacts our bodies and our lives, but we're pretty sure that it makes those things better.

Specific Needs of the Legal Profession

While mindfulness can improve anyone's life, the specific challenges of practicing law line up nicely with the benefits that mindfulness can provide.

Most people reading this article have heard about the fact that lawyers have high rates of alcoholism and substance use disorders. In 2016, the *Journal of Addiction Medicine* published an article entitled "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys." The researchers surveyed

almost 15,000 lawyers across the country and discovered that more than one-third of those lawyers reported behavior consistent with hazardous drinking or possible alcohol abuse or dependence. One out of every five lawyers scored high enough to be classified as a problem drinker.

What is less commonly talked about, and far more widespread, are other mental health concerns identified by the researchers: 61 percent of the lawyers surveyed reported a concern about anxiety, and 45 percent reported a concern about depression.

These numbers become even more staggering when put into a larger context. All of those percentages are far higher in lawyers, it turns out, than in the general population.

There are various aspects of lawyers' work — conflict, deadlines, financial pressure, lack of time for non-work interests, meeting expectations of clients and co-workers, inability to control or guarantee outcomes, perfectionist tendencies — that



THINGS THAT CHANGED MY LIFE.

Volunteering on Mondays.

Learning piano.

Losing Dad.

Giving in his memory.



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can have a negative impact on mental health. The problems start early, because similar levels of anxiety, depression and problem drinking have been found in surveys of law students.

Thankfully, leaders in the legal profession have started to focus on the issue of lawyer well-being. In 2017, the American Bar Association released a report entitled “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change.” That report contained an extensive discussion of how different parts of the legal profession (employers, judges, bar associations and practitioners) could help alleviate these problems.

This effort already has sparked increased attention and positive change at the local level. In 2019, the Oregon State Bar hosted the Summit on Lawyer Well-Being and the Oregon Supreme Court mandated one hour of continuing legal education on mental health, substance use and cognitive impairment. The *Bulletin* devoted an entire issue to the lawyer well-being in October 2019 and continues to run occasional columns on the topic.

The ABA report included a specific recommendation about the benefits of mindfulness meditation:

Mindfulness meditation is a practice that can enhance cognitive reframing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed. A rapidly growing body of research on meditation has shown its potential for help in addressing a variety of psychological and psychosomatic disorders, especially those in which stress plays a causal role.

One type of meditative practice is mindfulness — a technique that cultivates the skill of being present by focusing attention on your breath and detaching from your thoughts or feelings. Research has found that mindfulness can reduce rumination, stress, depression and anxiety. It also can enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration, working memory, critical cognitive skills, reduced burnout and ethical and rational decision-making.

Multiple articles have advocated for mindfulness as an important practice for lawyers and law students. Evidence also suggests that mindfulness can enhance the sense of work-life balance by reducing workers’ preoccupation with work.

One group of researchers has published the results of a study entitled “Mindfulness and Legal Practice: A Preliminary Study of the Effects of Mindfulness Meditation and Stress Reduction in Lawyers.” While the researchers acknowledge that the study population was small (less than 50 people) and only included people who wanted to learn about the possible benefits of mindfulness meditation, they nevertheless found that the group showed levels of depression, anxiety and stress consistent with the overall lawyer population before starting the program.

Eight weeks later, the same group “reported lower levels of depression, anxiety, stress, and negative mood, as well as increased levels of positive mood, resilience, and workplace effectiveness.”

How to Start a Mindfulness Practice

Starting a mindfulness practice is much easier than you might think. To keep it simple, I have identified two key components: daily meditation and being present in everyday life.

Daily meditation: For many people, this is the most intimidating part of a mindfulness practice. The good news is that meditation is actually quite simple. All you need is a quiet place to sit.

You close your eyes and just focus on your breathing. Many people find it helpful to count their breaths — one for the in-breath, two for the out-breath and so on up to 10, then repeat. This gives your mind something to focus on. You can start out by trying this for five minutes.

Another great way to start is by using an app. There are several fantastic apps that help people learn to meditate and support an ongoing meditation practice. My two favorites are Headspace and Insight Timer. Both of them have lots of free content, along with a subscription model if you want to access more content.

Once you try meditation, you quickly will learn that your mind does not want to settle down. As you try to focus on your breath — or on a guided meditation — your mind will be worrying about the future, or

ruminating on the past, or commenting on whether you are doing a good or bad job meditating, or any number of other things. This is natural. It’s not possible to stop our minds from thinking, just as it’s not possible to stop our lungs from breathing. This is especially true for lawyers, who have been trained to think constantly about all possible contingencies in every situation.

Thoughts will come and go, but you’re not doing anything wrong when you have those thoughts. Thinking brains actually help us immensely. But they just need a little down time in the same way that you can’t exercise indefinitely, so the key is to notice your thoughts, let them go and then return to a focus on your breath.

The neuroplasticity comes from realizing when you have become distracted and helping your brain settle down. The act of noticing that you are distracted is like a mental pushup.

Being present in everyday life: While this aspect of mindfulness sounds easier than meditation, it turns out to be quite challenging, especially in our distracting modern world.

According to one widely quoted study, a person’s mind is not focused on their present task almost 50 percent of the time. Put another way, we are doing one thing, but our mind is somewhere else, during half of our waking hours. While you might congratulate yourself on being a great multitasker, the reality is that you are simply switching between tasks very rapidly. Our brains cannot focus on more than one thing at a time.

This phenomenon has gotten worse in recent years. Imagine the daily life of a lawyer 20 years ago, or even 40 years ago. The pace of practice was far slower. Then letters became emails. Emails became text messages. Your office computer became a computer that you carry around all day and put next to you at bedtime. For most lawyers, there is no way to leave work — unless you intentionally create that space.

The goal of mindfulness is to be aware of our wandering mind and to bring it back to the task at hand. You can be mindful at any time, during any activity, simply by being intentional about focusing on what you are doing.

You can try being mindful during a walk, noticing the sounds around you, the objects you pass and the feel of your steps on the ground. I have been amazed at all of

the things I have noticed on my daily walks once I started paying attention. You can practice mindfulness while eating, brushing your teeth or doing the dishes. As you become more mindful, this naturally results in an increase in gratitude.

Setting Realistic Goals

I hope that this article provides a helpful introduction to mindfulness, along with some evidence-based information to encourage you to give it a try. Starting a mindfulness practice has made a tremendous difference in my life. I hope that some of you will get the same benefit.

I want to leave you with a final caveat: Mindfulness is not a cure-all. The goal is to improve your life, not magically change it. Mindfulness does not eliminate the parts of your everyday life that have caused challenges for you. The goal is to get some distance from those parts of your life — to see them in a new perspective — by focusing on being present and by learning to calm your brain.

Mindfulness also is not a substitute for treatment by a trained professional, especially if you are dealing with more severe challenges.

Mindfulness is simple, but it's not easy. It's a lifelong process, not a miracle cure. That's why it's called a practice. The good news is that it's never too late to start. ■

Over the past two decades, John Devlin has worked as a commercial litigator, deputy district attorney, personal injury lawyer and civil rights lawyer. He currently mediates all types of civil disputes. Reach him at john@johndevlinlaw.com.

ENDNOTE

1. Dr. Sara Lazar gave a fantastic TEDx talk in which she describes how her own skepticism about mindfulness turned into scientific investigation. Find "How Meditation Can Reshape Our Brains" online at tinyurl.com/TedxLazar.

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Christine Moore 1973-2021

Our dear Friend, Colleague, Partner, Spouse, Mom.
We will miss everything about you.

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HOW PRACTICING MINDFULNESS CAN MAKE YOU A BETTER LAWYER AND A HEALTHIER PERSON

John Devlin

Gus J. Solomon Inn of Court

October 25, 2022

WHAT IS MINDFULNESS?

“Awareness that arises through
paying attention,
on purpose,
in the present moment,
non-judgmentally”

THE SCIENCE OF MINDFULNESS

- Impact on brain (neuroplasticity)
 - Hippocampus increased (learning, memory, emotional regulation)
 - Temporoparietal junction increased (empathy, compassion, creativity)
 - Amygdala decreased (fight, flight or freeze)
- Impact on life
 - Reduced stress, anxiety and irritability
 - Increased relaxation, connection and focus

MENTAL HEALTH CHALLENGES OF PEOPLE IN THE LEGAL PROFESSION

- Journal of Addiction Medicine study (2016)
 - Hazardous (33%) and problem (20%) drinking
 - Depression (45%) and anxiety (61%)
 - Far higher rate for lawyers than for the general public
 - Rates for everyone have increased dramatically in last two years
- ABA Report – “Path to Lawyer Well-Being” (2017)
 - Detailed recommendations for various segments of the legal community
 - One recommendation was to practice mindfulness meditation

WHEN WAS THE LAST TIME YOU SPENT
TEN MINUTES DOING NOTHING?

DAILY MEDITATION

- Simple but not easy
- Focus on your breath – keep coming back to it
- Thinking is like breathing – you can't stop it
- Headspace, Ten Percent Happier, Insight Timer, Calm

IT'S TIME TO GIVE MEDITATION A TRY

BEING PRESENT IN EVERYDAY LIFE

- People are distracted during half of their waking hours
- Legal life feels incompatible with being present
- Put on your own mask first
- Opportunities to practice are all around you
- Increased mindfulness results in increased gratitude

FINAL THOUGHTS

- Set realistic goals and expectations.
- There's a reason it's called a practice.
- Mindfulness is not a cure all.
- Contact me at john@johndevlinlaw.com.