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Mindfulness, Mental Health, and Wellness

BY SCOTT L. ROGERS





This issue of *GPSolo* magazine emerges out of the legal profession's recognition of the importance of providing information on mental health and tools to help support lawyer well-being. Readers may find it interesting that *GPSolo* magazine published one of the very first articles addressing mindfulness and the law. That piece, "The Mindful Lawyer," which appeared in the October/November 2006 issue, was written by Robert Zeglovitch, an attorney practicing law in Minnesota who had been integrating mindfulness practice into his life, personally and professionally. He shared with readers:

Mindfulness involves deliberately paying attention in the present moment, without the usual judgments that humans make about our experience. . . . Lawyers are especially accustomed to worrying about the implications of past decisions or events, or to feeling anxiety about possible future events that may affect their clients, themselves, or their practice. In mindfulness, attention is directed at what is happening right here and right now.

Back in 2006, mindfulness training had achieved a foothold in health care with the popularization, a decade earlier, of Jon Kabat-Zinn's eight-week program, known as Mindfulness-Based Stress Reduction (MBSR), and was beginning to receive research attention. Still, it would take several years to gain serious traction in the popular culture. As it did, different segments of society — educators, psychologists, physicians, corporate leaders, lawyers, sports franchises, the military — began to take note and explore ways of infusing mindfulness into their respective cultures. Today, 13 years later, mindfulness seems to be everywhere. A primary reason the legal profession is looking to mindfulness is as a tool for lawyer and law student well-being. When viewed alongside a larger complement of tools for wellness and self-care, mindfulness practices can play a meaningful role.

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This issue of *GPSolo* explores lawyer mental health and well-being, drawing upon the insights of leading experts as well as lawyers and judges who have been integrating mindfulness practice and various forms of self-care into their personal and professional lives. This opening article offers readers a broad perspective on *mindfulness*, along with a lens with which to view *mindfulness practices* as one of many useful approaches to well-being. Some of the articles in this issue specifically address mindfulness and mindfulness practices, while others look to other approaches to mental health and wellness. With mindfulness being taught across the country in many different ways by teachers with experience from many different backgrounds, this article also seeks to more fully inform an understanding of mindfulness as a current that runs through many approaches to well-being.

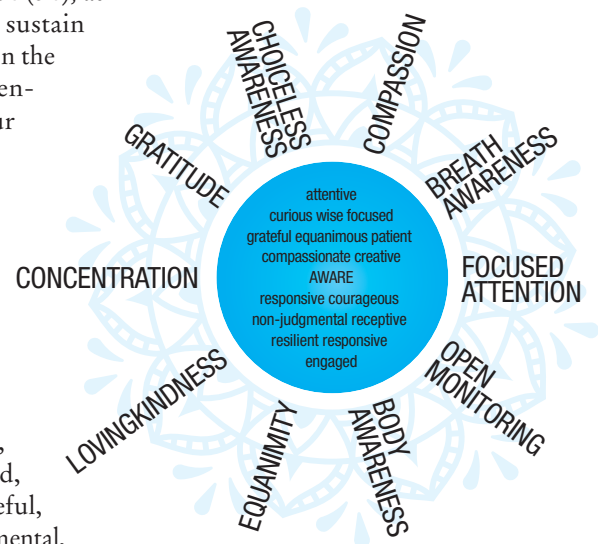
The following discussion takes a look at a distinction between mindfulness and mindfulness practices, different types of mindfulness practices, and the relationship between mindfulness practices and other ways of cultivating and supporting health and well-being.

MINDFULNESS

Jon Kabat-Zinn’s popular articulation of mindfulness refers to the awareness that arises when paying attention in a particular way, on purpose, non-judgmentally, to what is taking place in the present moment. He points to its essence with the term “wakefulness.” This is a useful big-picture framing as it speaks to a quality of “awareness” and an alertness that is fundamental to mindfulness. Law professor Leonard Riskin, a prolific writer on mindfulness and the law, drills down a little deeper when he describes mindfulness as “being aware, moment to moment, without judgment, of one’s bodily sensations, thoughts, emotions, and consciousness” (Leonard L. Riskin, “Mindfulness: Foundational Training for Dispute Resolution,” *Journal of Legal Education*, June 2004 (54), at 79–90). It is this capacity to sustain present-moment awareness on the constantly shifting and often-challenging landscape of our interior experience—namely thoughts, feelings, and bodily sensations—along with the world around us, that is associated with many of the attributes frequently ascribed to mindfulness and identified in the diagram at left: attentive, aware, compassionate, creative, courageous, curious, equanimous, focused, engaged, responsive, grateful, non-reactive, non-judgmental, patient, receptive, resilient, and wise, to name but a few.

These qualities are embedded in the DNA of the human condition, and we all know moments when we exhibit them and experience them in relationship with others. Amid the busyness of life, these qualities can become challenging to hold and sustain, their elusiveness all too familiar. Most would agree that they are beneficial—signposts of productivity, happiness, and well-being, qualities worthy of cultivating

and inhabiting more of the time. And while the moniker “mindfulness” is useful, and its connection to various wisdom traditions warrants its application (and makes it worthy of immersive study and practice), it also seems fair to say that the label “mindfulness” is just that, a label—a shorthand—for identifying a state of refined awareness and the constellation of qualities associated with it, qualities that may be regarded as foundational to the cultivation of mindfulness as well as its expression. Viewed in this light, the term “mindfulness” may be understood as less of an esoteric and quasi-religious experience or New Age fad and more a way of being in this world that aligns with living a meaningful, happy, and good life.



A possible point of confusion around mindfulness may also reside in its usage. When people today talk about mindfulness, as in, “I like mindfulness” or “I’m into mindfulness,” they are likely referring not to the above but to a collection of exercises and mental trainings that are commonly known as “mindfulness practices.”

MINDFULNESS PRACTICES

“Mindfulness practices” refer to a collection of exercises or forms of deliberate practice that engage, *inter alia*, attention, concentration, and observation.



MINDFULNESS RESOURCES

The following is a sampling of resources that others have found helpful in their learning and practice of mindfulness. These resources are by no means exhaustive and are intended to offer readers a general sense of the resources available.

APPS

- Calm
- Dharma Seed
- Headspace
- Insight Timer
- 10% Happier
- The Mindfulness App
- Waking Up

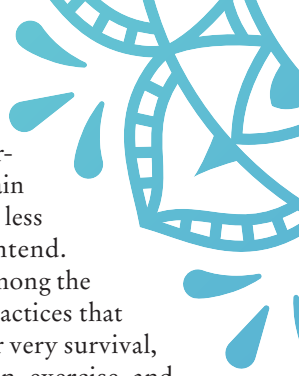
BOOKS

These include practices derived from various wisdom traditions and known colloquially as “breath awareness,” “focused attention,” “concentration,” “body awareness,” “open monitoring,” “choiceless awareness,” “bare attention,” and the list, already overlapping, goes on. They also include closely related practices that move into complementary realms such as “lovingkindness,” “compassion,” “equanimity,” and “gratitude.” Importantly, and to reiterate the above, these are all practices that support greater mindful awareness and the cultivation of mindfulness as an embodied state but are not to be confused with it. They can be viewed as a set of deliberate practices that serve our emotional, cognitive, and psychological fitness and well-being through the training of attention and related capacities. Neuroscientists such as Amishi P. Jha refer to the practice of mindfulness as “exercising the muscle of attention,” and the piece she and I co-pen for this issue on “The Science of Mindfulness and the Practice of Law” elaborates on some of the mechanisms underlying the efficacy of practice, instructions for practice, and benefits that have been reported in the scientific literature and through direct experience.

As you read through the articles in this issue, you will come across different practices and forms of self-care. Some, such as “Mindful Listening: An Interview with Paul Steven Singerman,” “Compassion Fatigue: An Interview with Judge Jeremy Fogel,” and Debi Galler’s “Mindfulness as a Tool for Lawyers,” address mindfulness and mindfulness insights, and offer useful tips and suggestions for being more effective lawyers and tending to our mental health. The companion pieces “My Experience with Depression: Just Showing Up Can Save a Life” and

- André, Christophe. *Looking at Mindfulness: 25 Ways to Live in the Moment Through Art*. New York: Blue Rider Press, 2014.
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- Brach, Tara. *Radical Acceptance: Embracing Your Life with the Heart of a Buddha*. New York: Random House, 2004.
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“Depression and the Practice of Law: Signs of Struggle and Avenues of Relief,” crafted by Javier Lopez and Joshua Rooks, respectively, provide us with a personal account of depression and insights for more deeply understanding its nature and paths for relief. “The Promise of Self-Compassion for Solos” by Christy Cassisa and Kristin Neff explores the harsh self-judgments lawyers can inflict on themselves and the beneficial role of self-compassion, an area receiving increased research attention and application in the law. Self-compassion offers a useful example of the inherent connection of mindfulness and self-care.

So, too, in writing about yoga, conscious breathing, walking in nature, spending time with pets, and dance, Christine Duignan, Cedric Ashley, Kathleen Balthrop Havener, Beth C. Manes, and Lesly Longa Vaillancourt make explicit the interplay of awareness, movement, the breath, connection, and finding ease in the moment. Eleanor Southers draws upon the importance of self-awareness in her article, “Building Strong Personal Relationships in Spite of Your Career,” as does the GP Mentor column, “To Young Lawyers on Practicing Mindfulness,” by Rudhir Krishtel, who also notes various benefits he realized through a daily meditation practice he wishes he had known when he began practicing law. And Patrick Palace offers

thoughtful guidance on the interplay of technology and mindfulness, and of the role awareness plays in making smart decisions regarding the use of our technology, and of technologies that may help us practice mindfulness. Indeed, just about everything can be done with greater awareness and, in this regard, “Mindfulness in Action” tags appear within each article offering insight into how awareness runs through the subject or practice being explored.

MINDFULNESS AND THE CULTIVATION OF HEALTH AND WELL-BEING

Among the various self-care practices explored in this issue, some may be new to you while others remind you of those you have long known about and enjoyed, though they have faded away due to the passage of time and busyness of life. These might include, for example, attending the symphony or a concert, playing a musical instrument, gathering at the dinner table, painting and sculpting, visiting museums, getting to the gym or outside for a walk or run, swimming, being of service to your community, cooking, laughing, travel and adventure, reading, etc. We hope that these reminders, coupled with discussion of the ways self-care can play a meaningful role in helping to support and bolster mental health, will encourage you to engage and re-engage around those areas that resonate with you.

As this introductory article comes to a close, it may be helpful to turn our attention back to mindfulness and consider the interesting “dual” role mindfulness practices can play—not only as a vehicle for mental health, cognitive acuity, and overall wellness, but also as a means to help support other avenues of self-care. This may be one of the reasons mindfulness has received so much attention, and also explain why such practices are termed “mindfulness practices” in the first place.

A challenge many of us face is that we know how important it

is to take time for ourselves, yet time and again we don’t do so, or do it less frequently than we intend. This is the case even among the handful of self-care practices that are fundamental to our very survival, such as sleep, nutrition, exercise, and social connection. And the unfortunate paradox, which we all know only too well, is that the very reasons these and many other forms of self-care and approaches to well-being are sought—to reduce anxiety, feel less stressed, have more energy, feel more joy, and be better able to stay focused and on track—often land on the back burner because we are feeling anxious, stressed, depleted, and distracted.

An important point of distinction between mindfulness practices and other forms of self-care, including many meditation practices, is that many forms of self-care are explicitly directed toward feeling better. A walk in nature, laughing with friends, slowing down the breath, self-compassion, listening to music, and visualizing a soothing waterfall are examples of beneficial things we can do that are primarily oriented toward *achieving a different state*, namely a less agitated and more pleasant one. These are worthwhile endeavors to be sure. In contrast, the practice of mindfulness (while it is often relaxing and can lead to a more pleasant state) is primarily directed toward the cultivation of awareness—by attending to our experience, moment by moment, open and receptive to whatever arises, changes, and passes away, be it pleasant, unpleasant, or neutral. If mindfulness practice is new to you, or if you tend to regard it only as a tool to reduce stress or feel better, reflect on this important aspect, as it can be helpful for having greater staying power with a practice that can be challenging at times. Doing so may help to transform the way you relate to life’s ups and downs, establishing a steadier internal state with which to ride, and even enjoy, life’s mysterious unfolding. It also may clarify why mindfulness practices, by helping shift our motivation from an impulse to feel





MINDFULNESS RESOURCES

(continued from page 15)

BOOKS (CONTINUED)

- Rogers, Scott L. *The Six-Minute Solution: A Mindfulness Primer for Attorneys*. Miami Beach, Fla.: Mindful Living Press, 2009.
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MAGAZINES

- *Mindful*
- *Yoga Journal*

RETREAT CENTERS

- Esalen Institute, Big Sur, California
- Florida Community of Mindfulness, Tampa, Florida
- Garrison Institute, Garrison, New York
- Insight Meditation Society, Barre, Massachusetts
- Omega Institute for Holistic Studies, Rhinebeck, New York
- Spirit Rock Meditation Center, Woodacre, California
- Upaya Zen Center, Santa Fe, New Mexico
- Vallecitos Mountain Refuge, Taos, New Mexico

WEBSITES

- Applied Mindfulness Training: appliedmindfulnesstraining.org
- Center for Mindful Self-Compassion: centerformsc.org
- Center for Mindfulness in Medicine, Health Care, and Society (University of Massachusetts Medical School): umassmed.edu/cfm
- CoLAP Cafe (newsletter/blog of the ABA Commission on Lawyer Assistance Programs): abacolap.wordpress.com
- Lawyers with Depression: lawyerswithdepression.com
- Mindfulness Awareness Research Center (University of California, Los Angeles): marc.ucla.edu
- Mindfulness Center at Brown University: brown.edu/academics/public-health/research/mindfulness
- SoBe Mindful: sobemindful.com
- The Mindful Lawyer: themindfullawyer.com
- UMindfulness Research and Practice Initiative (University of Miami): mindfulness.miami.edu
- University of California San Diego Center for Mindfulness: health.ucsd.edu/specialties/mindfulness
- University of Miami Mindfulness in Law Program: mindfulness.law.miami.edu
- Warrior One: warriorone.com

better to a non-judgmental interest in being aware of what we are feeling, can help us find the steadiness and resolve amid uncomfortable moments to pursue a range of self-care practices that can lead to a more healthy, enjoyable, and fulfilling life.

Also, while many self-care practices can only be done by going somewhere, or doing something that may compete with the task at hand (for example, it would be challenging and perhaps inappropriate to listen to music, take a nap, or go for a jog in the middle of a client meeting), we can engage in the deliberate deploying of attention, whether through focusing on an object—such as the person we are talking to—and returning attention to the object when we notice mind wandering (“focused attention”), expanding awareness around the object of attention and noticing—among other things—the charge of emotions or telling non-verbal cues (“open monitoring”), or even wishing happiness to the people in our midst, especially when in court or in challenging interpersonal situations (“lovingkindness” practice). Thus, the cultivation of greater mindful awareness through the intentional engagement of attention can be done anytime—even when taking a walk in nature, practicing yoga, connecting with another living being, slowing down the breath, or dancing, which, in turn, can enrich the quality of these experiences. ■



Scott L. Rogers (srogers@law.miami.edu), a nationally recognized leader in mindfulness and law, founded the University of Miami School of Law’s Mindfulness in Law Program and co-founded the university’s Mindfulness Research & Practice Initiative. He integrates mindfulness into the curriculum and collaborates on neuroscience research examining the efficacy of mindfulness trainings. He developed one of the nation’s first mindfulness CLE programs and has led workshops since 1998. He is the author of five books and numerous articles in peer-reviewed scientific journals, law reviews, and popular publications.

