

Mindful Lawyering—It's a Practice

By Katie Stanley

It's 5 a.m. and I've once again woken up before my alarm. I gently roll my still-slumbering dog out of the way and fumble for my phone on the nightstand until my touch illuminates the screen. A few squinty taps later and I'm reviewing my calendar and the docket for today's hearings. Google sends me several push notifications saying, "This was received X days ago. Follow up?" I have 40 unread emails, dozens of unread text messages, and several voicemails. Last week, the 400 landlord-tenant cases on our service area dockets were met by a handful of dedicated housing attorneys in our office. I pause for a moment, look up at the ceiling, and take a deep breath—I'm *already feeling anxious and I haven't even gotten out of bed yet.*

Although this year has been more stressful than usual for most, this is a feeling that most attorneys are used to—being *overwhelmed*. We all acknowledge the stress of our profession, but now, evidence for this informal consensus is growing. A Johns Hopkins University study found that attorneys are three times more likely to suffer from depression than the general population and the most likely to suffer from depression out of more than 100 occupations surveyed.¹ Another study by the American Bar Association and the Hazelden Betty Ford Foundation found that one in three attorneys reported problematic alcohol con-

sumption or issues with substance abuse, more than a quarter reported struggles with depression, and nearly 20 percent reported experiencing symptoms of anxiety.² This study also compared attorney responses to those of other professions and the general public and found that attorneys experience these significant mental health and substance abuse issues at a far higher rate, illuminating the acute need for wellness resources in the legal field.³

So, we know we have a problem with wellness. What can we do about it?

The truth is, wellness is best suited to a multiple-streams framework—one that acknowledges the many ways wellness may be examined, enhanced, and experienced. This is part of what makes it so tricky to address. The ABA, for instance, has outlined six dimensions of lawyer well-being: occupational satisfaction, the management of emotions and mental health, physical health, intellectual development, spiritual meaning or purpose, and social connection.⁴ I am simply here to illuminate *one* way that I and many others have been able to rediscover our own wellness—with a mindfulness practice.

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tives have increasingly shown improved self-reported measures of wellness. One online study found "significantly greater improvements...in measures of burnout, perceived stress, and wellbeing...and greater increases in team climate, organizational climate, and personal performance."⁵ MBI participants have also self-reported decreases in depression, anxiety, and substance abuse.⁶ Despite all of this, to be honest, when I was first exposed to the practice of mindfulness, I shrugged it off as a 'soft skill' that I didn't have the time or patience for. In the viral words of Kimberly "Sweet Brown" Wilkins, "Ain't nobody got time for that!"

Spoiler alert: That's all since changed.

Now back to my anxiety alarm clock.

Before I'm even out of bed, I note my ruminating thoughts about the future, the tightness in my chest, and the knots in my stomach. In the past, I was likely moving too fast to even notice. So why does it matter that I'm now taking the time to acknowledge these sensations from beneath my boho comforter at 5 a.m.? One study, the Iowa Gambling Task, has the answer. In this psychological task meant to simulate real-life decision making, participants were presented with decks of cards that would either reward or penalize them using game money. Some decks were stacked with more

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reward cards, and others had more penalty cards. The study uncovered that participants had a measurable physiological response to the bad deck after only 10 cards while, on average, it took them 50 to have a conscious hunch and 80 before they were able to fully figure it out.⁷

In mindfulness, a frequent technique is a body scan.⁸ In this practice, we consciously scan from head to toe and take note of what we're experiencing in our bodies. For me, the feelings I described above (tightness, discomfort, and restlessness) are all early indicators that I need to take a moment to acknowledge and assess how I'm feeling. In other words, I can catch how stressed I am at the 10-card mark instead of waiting until I crash and burn at 50 or 80. Think of it as self "issue spotting" with compassion. If we're more aware, we're better able to reset or at least hit snooze on the "anxiety alarm clock" that we all have and make wiser decisions about how to address what we uncover when we ask questions like, *What do I really want out of life? What really matters to me? Do I feel aligned with my purpose? Am I happy? Am I taking care of myself? What would it look like if I was more kind to myself and others? Will what I'm experiencing right now matter in six minutes, six months, or six years?*

For me, resetting my nervous system with a mindfulness practice and self-compassion does wonders for addressing my relationship to negative feelings in a positive way before they migrate to areas of my life where they don't belong. My lawyer brain also appreciates the time and emotional tax this saves me in the long run.

When I do a body scan, I start at the top of my head and consciously move down un-

til I reach my toes. I use a guided meditation app to start the day with a quick 10-minute practice and, once I acknowledge the stress and tension I'm harboring, I can it begin to release as I breathe deeply. I feel more grounded to face the challenges ahead.

It helps when I imagine my neural pathways as roads—every time we think a certain way, perform a certain task, or experience an emotion, we create a well-worn path. It's why there are some things, as lawyers with experience can tell you, we can almost do in our sleep. If we choose to think about something differently or choose a new path or a new perspective on an emotion, our brain will start to travel this path until a new way of thinking and doing becomes second nature. *This* is how mindfulness works, and it's referred to as neural plasticity.⁹ With repeated and directed intention, we can change the structure of our grey matter, the functional connectivity between different neural networks, and the capacity for them to be in dialogue to develop better social awareness, relationship management, and emotional regulation skills.

Studies have shown that these changes can take place in as little as eight weeks.¹⁰ On top of the documented personal benefits in managing stress and overall wellbeing, there are also documented professional, organizational, and operational benefits. You can now find emotional intelligence among the top 10 traits for the future of labor on the World Economic Forum's 2022 Skills Outlook.¹¹ Some of the most successful businesses across the country now offer mindfulness and emotional intelligence training. How we deal with our inner lives determines how effectively we can engage not only with ourselves but with others as well.

Much like lawyering, mindfulness requires practice. No one is perfect, and it doesn't have to look or feel a certain way. Be open to trying new things and exploring, without judgment, what works for you. I know it's hard for us type A personalities, but I promise it's a worthwhile endeavor. This year, Governor Gretchen Whitmer partnered with Headspace¹², an online health care company specializing in meditation, to provide a free collection of "meditation, sleep, and movement exercises...to help you keep a strong and healthy mind in the midst of this global health crisis."¹³ The Institute for Continuing Legal Education also recently did a segment on wellness that included some basic mindfulness practices and resources.¹⁴

Whichever path you take, be patient and kind with yourself and others along the

Feeling Overwhelmed? Try This Tip from LJAP

For many people, the pandemic—and the accompanying mental and physical exhaustion—has caused them to focus on sadness about things that have occurred in the past or unease related to what the future holds. Both stressing about the past and worrying about what's to come can take away from enjoyment in the present.

SBM's Lawyers and Judges Assistance Program (LJAP) is reminding you to stay grounded and try to remain in the moment. Keep your mind and body connected and working together by using your senses to appreciate the here and now with this simple grounding exercise: after taking a few deep breaths, identify, notice and experience one thing you currently see, one thing you currently hear, the taste in your mouth, something you can smell, and one thing you can reach out and touch. Be present with yourself and those around you. By staying in the moment, you can help bypass feeling overwhelmed about things out of your control.

way. Approach yourself and what you uncover with compassion and curiosity, because you're worth it. Your wellness matters not just to you but to the friends, family, clients, colleagues, and communities that you touch. ■

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