



FLORIDA BAR NEWS

THE MINDFUL LAWYER: LEAVING WORK AT WORK

By Scott Rogers ▶ Special to the News ▶ Columns

January 01, 2019



The New Year is here, and with it, important reminders of the challenge and promise of transitions. Whether it's transitioning from the holiday season to the busy work week, from a well-intended New Year's resolution to the practical realities of seeing it to fruition, or the daily balancing of work and family, transitions are not always easy. Mindfulness practices can play a meaningful role in navigating periods of transition, allowing us to be a little more effective at bringing about the outcomes we desire. This month's question is posed by an attorney interested in how mindfulness practice can help balance the interests of work and family.

Craig asks:

I have been practicing plaintiff's personal injury law for 22 years. Throughout my career, I have struggled, like many attorneys, with transitioning from "work brain" to "home brain," when I go home in the evening. Many lawyers, like me, are driven by a Type-A personality that does not always lend itself to leaving work at work. I'd appreciate any advice on how to do so, as I am beginning to appreciate just how much of a toll it can take not only on my well-being but also on my relationships. Also, I regularly meditate with apps such as "Headspace" and "10 Percent Happier." However, I would love a "Resources" page at your website, with recommended meditation apps, books on mindfulness, locations for meditation retreats, and other resources that you think we might find helpful. Could you create such a resource? Thanks so much.

Craig's question cuts to the heart of a key challenge to thriving and finding meaning and joy in our lives both professionally and personally. Often, it can feel like it's one or the other, and there are certainly times when the realities of what is taking place at work or at home do call for a heightened level of attention and vigilance, which can disrupt our equilibrium. Craig's question speaks to being able to efficiently switch our "mental" gears, something that we can grapple with day in and day out. I suspect many of us instantly get what he means by work brain and home brain.

Thich Nhat Hanh, an important and beloved mindfulness teacher, offers as a mindfulness practice, “when you are washing the dishes, wash the dishes.” In doing so, he invites us to pay attention to the rich sensory experience that is often hijacked by our thoughts telling us that we’d rather be doing something else, reducing the experience to a concept, like a “chore.” Attending more fully to our experience, we feel warm water on our skin, smell the aroma of the soap, and hear a symphony of sounds. Many report that this simple exercise can be quite calming, even profound. One reason is that as the sensory field is intentionally explored and immersed in, thoughts (e.g., worries, critical judgments, to-do lists and the heavy feelings that often accompany them) fall away, and one is more naturally “present” for the experience, as it truly is. After all, the worries and judgments are fabrications of the mind whereas the sudsy water is right before you.

Drawing on this practice, “when at home, be at home.” For just as “worry mind” can transition to “washing dishes mind,” “work mind” can transition to “home mind,” and like the washing dishes practice, there are a variety of mindfulness exercises you can practice to help facilitate this shift. As you consider the below suggestions, note the mindfulness quality they all share, namely resting attention on an object as you observe the coming and going of sensory experiences. These practices can help create a wedge of awareness that facilitates a shift from work mind to home mind, akin to eating a spoonful of sorbet in between courses of a meal.

1. Take a shower or bath upon arriving home. This will give you a little quiet time to refresh and recharge. “When taking a shower, take a shower.” Observe and sense the temperature of the water; feel the sudsy soap on the skin and smell its aroma; listen to the water spray as it strikes the tiles. Notice even the arising and passing away of thoughts and feelings.
Breathe.
2. Take 5-10 minutes and engage in a sitting mindfulness practice. Sit in a chair or on a cushion for a few minutes and observe the coming and going of the breath—and whatever else arising in the field of your awareness. “When sitting, just sit.”
3. Take a 5 to 10-minute walk around your neighborhood or backyard. Leave your devices at home (don’t worry, you’ll have the most important one with you). “When walking, walk.” Pay

attention to the feel of the body moving and breath flowing; observe the natural world around you — the colors in the sky, the breeze blowing, the rustling of leaves.

4. Sit with a cup of tea, or even a glass of wine, and savor the experience. Yes, there's even winefulness. When sipping a glass of wine or cup of tea, be there for the experience — color, taste, texture, aroma. If you notice your mind wandering, return to the sensory experiences associated with the drink — the chosen object of your attention. “When sipping, savor the sip.”
5. Spend 5 to 10 minutes practicing a moving mindfulness exercise. This can be done sitting or standing, inside or outside, and like walking or practicing in the shower, involves attending to slow deliberate movement of the body. You can slowly raise and lower the arms, and gently rotate the body and stretch.
6. Ask someone at home to tell you about their day and listen. No interruptions, no advice. Be there for the experience — sound, imagery, even a sense of the other person's feelings and thoughts, along with your own. “When listening, just listen.”

If one of the above seems interesting, give it a try each day for a few weeks, and see if you notice your relationship to what follows to be different, perhaps more. You may feel refreshed, more patient, better able to manage the impulse to shift gears, more skillful at executing your own game plan. And be creative and true to yourself, as the most effective practice may well be one you generate. The key is that you are (1) creating a space, be it temporal, physical, psychological, between work and home, (2) bringing a non-judgmental awareness into that space, and, in so doing, (3) cultivating a quality of engagement, patience, and curiosity that can be helpful as you transition into what happens next.

Of course, there are many practical considerations at play as well that can be just as important. For example, reflect on whether time spent at the office is less productive than it could be, and the flow-over effect this has on needing to bring work home; whether you might communicate more effectively to people at work, and at home, as sometimes promises are made that are not realistic (e.g., I'll have that done tomorrow first thing.” “I'll be home by 6:00.”) and set expectations for others that can lead to

disappointment, as well as to our feeling a heightened level of stress and pressure. It can be helpful to attend to the practical along with the mindfulness practices, as they complement each other.

Importantly, shifting from “work mind” to “home mind” is not an all or none proposition and, like many worthwhile endeavors, will take time. The transition falls along a gradient, and it can be satisfying as you detect the subtle shifts that begin to take place. If the list of above practices seems daunting, begin with a practice that might be as powerful as any:

Tonight, when you come home, wash a few dishes.

This practice is not only pragmatic, but is a springboard to engaging in others, and to cultivating the basic quality that they all share — presence. And remember, while it’s nice to finish a task, the mindfulness practice isn’t so much about getting anywhere as it is realizing and appreciating where you are. When you intentionally place the squeaky-clean dish down, look around and continue to notice and appreciate the many gifts right there before your eyes. Happy new moment!

I am grateful to Craig for asking such an important and poignant question.

If you have a question about integrating mindfulness into the practice of law that you would like answered in this column, send it to srogers@law.miami.edu.



*Scott Rogers, M.S., J.D., is a nationally recognized leader in the area of mindfulness in law and founded and directs the University of Miami School of Law’s Mindfulness in Law Program where he teaches mindful ethics, mindful leadership, mindfulness and negotiation, and mindfulness in law. He is the creator of Jurisight, one of the first CLE programs in the country to integrate mindfulness and neuroscience and conducts workshops and presentations on the role of mindfulness in legal education and across the legal profession. He is author of the recently released, “**The Mindful Law Student: A Mindfulness in Law Practice Guide**,” written for all audiences.*