



FLORIDA BAR NEWS

THE HEART OF MINDFULNESS

By Scott Rogers ▶ Special to the News ▶ Columns

June 30, 2019



This column offers readers information on mindfulness and related domains, drawn

from the insights and experiences of lawyers and judges who have been studying and practicing both law and mindfulness for many years. Whereas 10 years ago the popularity of mindfulness was just beginning to seep into the legal landscape, it has

since become regular fare at bar conventions and judicial conferences, a central part

of many law firm professional development and wellness trainings, and it has been integrated into the

curriculum of many law schools. Today, it is the rare practitioner and judge who has not heard of

“mindfulness.”

More recently, with mindfulness in the mainstream, attention has begun to shift to clarifying what is meant

by the term mindfulness and better understanding its various forms of practice and the insights that both

can inform and be derived from its practice. The term has been variously described as a form of stress

reduction, a way to develop greater focus, a method of experiencing mind wandering and distraction, a

tool for reducing anxiety and depression, an approach for curbing addiction, a way of listening more

effectively and being less reactive and better able to manage anger and fear, a means of improving

immune function and reducing inflammation, and even a practice that can influence our physiology at the

level of our DNA. That’s a lot! The science supporting many of these findings — some of which supports

the direct experience of many — is still in its infancy, and we have much to learn. And just as we have

much more to learn about the scientific underpinnings of mindfulness practice, so too there is much to

learn about mindfulness and some of the wisdom traditions that have nurtured our understanding of it as

a formal meditative practice and series of insights.

This week’s question asks a leader in the field of teaching mindfulness to lawyers for her insights into

some of the more fundamental aspects of mindfulness training. In answering the question below, she

draws upon the heart of various wisdom traditions out of which mindfulness has blossomed. I asked Judi

Cohen what she believed to be “some of the more important lessons of mindfulness for lawyers and judges, and what are some misconceptions that can get in the way of these lessons being more fully realized?” Judi offers us this response:

The most crucial thing to understand about mindfulness right now is that mindfulness meditation is just the first of three elements of mindfulness training. And while meditation is essential because it calms and focuses the mind, the other two elements of mindfulness training are equally important.

The second element of mindfulness training is mindful ethics, which includes practices to support truthful and thoughtful, speaking, writing, and posting, and curious and patient listening. Viewed through the civility lens, for example, mindful ethics suggests we should not only be direct and kind, but also that we should not speak harshly about one another. This doesn't preclude fierce representation, but does shift the tone from disdain to connection.

The third element of mindfulness training is developing a mindful point of view, which has two pieces. The first is understanding that we are intricately entangled in a system of interplay, in which I can't win if no one loses and you can't be a lawyer if no one is your client. It also means understanding that we interact informed by our intellect, of course, but also informed by our fears and biases, and therefore, it's essential to see and remember that, and to override those biases to the best of our abilities and instead, be kind to one other, no matter what “side” we're on or whether we're addressing someone in our in group or our out group.

The second piece of developing a mindful view is the boomerang effect: Remembering that everything we say and do matters. We don't get away with anything. When we lead with aggression, that's what we get back. When we lead with patience, that's what we get.

As we train in all three elements of mindfulness, we are choosing to cultivate a calm mind, an ethical heart, and the wisdom of a mindful point of view. And we are building a foundation for happiness, effectiveness, and wellbeing for ourselves, our colleagues, and our loved ones.

With the many mindfulness offerings available today — from hour-long sessions to week-long workshops, to on-line trainings and guide-yourself apps — and the many reasons why one may become interested in mindfulness, Judi offers us a reminder of what is, for many, the essence of practice and of the ways it can

enrich and improve our personal and professional lives. I am grateful to Judi for taking the time to reflect on an important question and offering such a thoughtful response. Judi is a lecturer at Berkeley Law where she teaches mindfulness and is the founder of Warrior One, LLC, a provider of mindfulness training for lawyers and one of the first organizations to offer teacher trainings specifically for those wanting to bring mindfulness into the law. If you are interested in learning more about Warrior One or the upcoming teacher training, you can visit the [Warrior One website](#).

If you have a question about mindfulness and integrating it 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.*