

Legal Aid NSW: Mindful Lawyering – Cultivating inner resources for sustainable and effective legal practice

Mindfulness is an essential tool in the treatment and management of stress. Given the challenges of legal practice, it is not surprising therefore that a growing community of legal practitioners practice mindfulness to promote their own health and wellbeing.

What is mindfulness?

Mindfulness in its most basic form is simple, present-moment awareness. It is a faculty that is innate in all of us. Mindfulness is not thinking, rather awareness of thinking, of emotions, and of the ways we experience the sensory world through seeing, feeling, hearing, tasting and smelling. Mindfulness practices develop and cultivate this faculty by purposely paying attention to what is occurring inside and outside of us, moment-to-moment, in a nonjudgmental and openhearted way.

Why would we want to develop and practice mindfulness?

Just stop and watch your thinking for a moment.

You will notice very quickly in the foreground of your awareness that the mind bounces constantly from thought to thought, commenting, fantasising, planning, and judging. This constant movement of the mind happens unconsciously and leads us into distraction and away from what is actually occurring in the present. Neuroscientists call this “default mode”. Default mode has been found to activate specific areas of the brain, mostly in the temporal and parietal lobes, along with the hippocampus and certain prefrontal areas¹. The amygdala (the brain’s “fear centre”) also becomes over-activated². The result is distorted thinking, dissatisfaction, worry and churning of the mind, which is at the heart of stress, anxiety and depression.

Mindfulness allows us to step back and simply notice our experience through our senses, instead of focusing on the content of our thinking. In so doing, we engage different parts of the brain, marking alternate neural pathways to those used in default mode. Consequently mindfulness provides us with a refuge from the worrying, judging and stress reactivity, resulting in a feeling of balance, groundedness and space to better manage the unpredictability of life.

¹ Buckner, R.L., Andrews-Hanna, J.R., Schacter, D.L. (2008). "The Brain's Default Network: Anatomy, Function, and Relevance to Disease". *Annals of the New York Academy of Sciences* 1124: 1–38.

² Sheline, Y. I., Barch, D. M., Price, J. L., Rundle, M. M., Vaishnavi, S. N., Snyder, A. Z., ... & Raichle, M. E. (2009). The default mode network and self-referential processes in depression. *Proceedings of the National Academy of Sciences*, 106(6), 1942-1947.

With practice, as our awareness increases, we are no longer caught up in unconscious stress reactions brought on by our thinking. And when we do feel stress and anxiety, we practice acceptance and notice how such feelings simply come and go from consciousness, and no longer define who we are. With mindfulness, we space-out less, better understand our emotions and learn to embrace the entirety of our humanity with greater insight and wisdom. We have greater understanding of others and are able to make decisions with greater clarity.

Tips for mindful practice

Although mindfulness is a faculty that is innate in all of us (we all feel moments of mindfulness – when thoughts are no longer the centre of our attention and we are effortlessly present), mindfulness is a skill that can be practiced. This usually involves consciously and deliberately paying attention with our senses, and calling the mind back when it wanders off into thinking. In so doing, we can literally rewire our brains, as the prefrontal regions associated with the being present become stronger and the default mode areas become weaker.

The way to practice mindfulness is to set aside time each day to focus on the awareness aspect of the mind, as opposed to thinking. This might be through practicing a body scan, by focusing on your breath, or incorporating mindfulness into an exercise regime. Remember the idea is to simply notice and accept what is occurring in the present moment, without judgement or criticism. Relaxation, although important, is a side-effect of the awareness, and not the focus of the practice.

You may like to join a mindfulness class, or attend a workshop to get you started. There are also some great mindfulness apps available which are great resources and easy to use (try for eg *InsightTimer* or *Simply Being*). The importance is regular, daily practice to form a new positive habit.

Also find opportunities for informal practice throughout the day. Stop, breathe and be present instead of falling into distraction. Drink a glass of water mindfully or connect with your breathing before answering the phone. Practicing mindful listening when with others and take a moment to pause and take in your environment prior to speaking.

Although mindfulness sounds simple enough, it is a radical approach to dealing with life's difficulties. As opposed to our habitual ways of dealing with stress, mindfulness doesn't ask us to eliminate difficulty or imagine ourselves in a better place. With mindfulness, we simply notice what is occurring without an agenda to change anything about the experience. In this way we can find respite no matter what is occurring in our external circumstances and in so doing, learn to discover a storehouse of clarity and calm that underlies every moment.

You will soon discover the benefits of mindfulness for both your wellbeing and the effectiveness of your work. With understanding, practice becomes filled with meaning and can become truly transformative.

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FURTHER READING

Mindfulness and Wellbeing

Linda Graham, MFT, *Bouncing Back: Rewiring Your Brain for Maximum Resilience and Well-Being* (2013)

Jon Kabat-Zinn, *Full Catastrophe Living: Using The Wisdom Of Your Body And Mind To Face Stress, Pain, And Illness* (1990)

Daniel J. Siegel, *Mindsight: The New Science of Personal Transformation* (2010)

Shauna L. Shapiro & Linda E. Carlson, *The Art And Science Of Mindfulness: Integrating Mindfulness Into Psychology And The Helping Professions* (2009)

Mindfulness and the Law

Debra S. Austin, "Killing Them Softly: Neuroscience Reveals How Brain Cells Die From Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance," (March 8, 2014). 59 Loy.L.Rev. 791 (2013); *U Denver Legal Studies Research Paper* No. 13-12.

Joel Orenstein, "The Mindful Lawyer: Meditation and the practice of law", *Law Institute Journal*, July 2011

Angela Harris, Margaretta Lin & Jeff Selbin, "From The Art of War to Being Peace: Mindfulness and Community Lawyering in a Neoliberal Age," 95 CAL. L. REV. 2073, 2076 (2007)

Susan Daicoff, "Law as a Healing Profession: The Comprehensive Law Movement," 6 PEPP. DISP. RESOL. L.J. 1 (2006)

Leonard L. Riskin, "The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients," 7 HARV. NEGOT. L. REV. 1, 33-65 (2002)