Clear and Convincing Evidence:
The Case for Mindfulness to Improve Focus, Bolster Thinking and Manage the Stress Lawyers Face Every Day

Larry Altman, JD, Joint Task Force on Lawyers Helping Lawyers Chair
Anne Chambers, LCSW, MOLAP Director

Topics
- What is mindfulness
- Applications for attorneys
- The impact of mindfulness on stress
- What the research says about it
- Neuroscience of mindfulness

What is Mindfulness?
Benefits of Mindfulness

People who regularly practice mindfulness strategies may find lasting benefits:

- Increased calm, relaxation
- Higher energy/enthusiasm for living
- Increased confidence and self-acceptance
- Less danger of stress, depression, anxiety, chronic pain, addiction, low immune efficiency
- More compassion for self and others

Dr. Patrizia Collard, *The Little Book of Mindfulness: 10 Minutes a Day to Less Stress, More Peace*

Benefits of Mindfulness

“Allows you to pay clear, particular attention to the things around you” – Nathalie Martin, University of Mexico School of Law

“Enables us to see how our minds work and pay attention, calmly, in each moment” – Leonard Riskin, Harvard Negotiation Law Review

Benefits of Mindfulness Practice

- Studies have shown that the use of this practice
  - Reduces the duration of stress
  - Decreases depression
  - Reduces that feeling of anger one gets when totally frustrated
Principles of Mindfulness

- Present moment awareness
- Sustaining attention
- Curious
- Nonjudgmental
- Nonstriving
- Openness
- Acceptance
- Self Compassion
- Turning focus inward

Mindfulness in the Business Mainstream: Why Now?

- Huge body of research
- Pace of our workdays, hyperconnectivity, always on culture
- Companies been starting to implement large scale, sustainable programs starting in 2010: Aetna, General Mills, Google, Goldman Sachs, Blackrock, Bank of America
- Monetary benefits - Aetna
- Mindful Leadership encourages business leaders to develop mindful qualities


How Mindfulness impacts High Stress

- Study after study finds mindfulness makes people less stressed, more productive

Early Mindfulness in the Law

1989
- Center for Mindfulness in Medicine, Health Care and Society offered a mindfulness based stress reduction program to trial court judges.

Mid 1990s
- Hale and Dorr offered mindfulness training at 400 attorney office in Boston

1999
- Riskin offered Mindfulness and Negotiation workshops in 9 locations around the US, one in Denmark.
  
Leonard Riskin, Harvard Negotiation Review
  
Nathalie Martin, University of NM School of Law

2001
- City University of NY School of Law and Graduate Center offer series of programs on mindfulness meditation
- Kansas City Holistic Lawyers meditate together

2002
- 160 attorney firm Nutter McClennan and Fish, LLP offered it at Boston Office
- 5 day mindfulness retreat for Yale and Columbia Law students.
- 9 law schools—including University of Missouri-Columbia, offered mindfulness instruction on campus, sometimes as part of law school classes.

Mindfulness for Attorneys

Scott Rogers, MS, JD, Director of Mindfulness in Law Program, University of Miami School of Law
- Better able to deal with the unexpected
- Develop and enhance capacity to be more present and genuine in interactions with clients, colleagues
- Clearer focus on work, assignments
- Optimizes performance
- Carryover in family/personal relationships

Managing the Stress Attorneys Deal with Every Day

- Cognitive: Bolstering thinking, improving focus and improving concentration
- Decreases negative responses to stress
- Better prepared to deal with the unexpected
- Easier to respond to stress and difficult events
- Stronger ability to be genuine, present
  - with clients, witnesses, colleagues, opposing counsel
- Clearer focus on work assignments
- Performance optimized

In Court

Mindful Speech

- Helpful when
  - Connecting with and counseling clients
  - Delivering tough news
  - Talking to a stressed out person
- When listening
  - Check in
  - Listen to yourself
  - Notice how you feel while you speak
Mindful Listening

- Make listening the object your attention.
- Notice any physical responses you pick up while you are listening.
- As you practice, notice if you are truly listening or looking for your chance to jump in.
- Mindfully answering the phone

Dealing with the Inner Critic

Draining mental pattern that can undermine confidence

Taming the Inner Critic

Draining mental pattern that can undermine confidence
Dealing with Worry

- Accept the worry, then move on
- Cut yourself some slack
- Keep your hands busy

University of Surrey Review of 19 studies found
The most effective strategies to stop worry and
rumination may be those based in mindfulness,
along with cognitive behavioral strategies

Organizations Bridging Law and
Mindfulness

- www.themindfullawyer.com
- The initiative on Mindfulness in Law and Dispute
Resolution, University of Florida College of Law
- Institute for Mindfulness Studies

Research

- Mindfulness has been the subject of significant
research over 40 years.
- 10,000+ published research papers
- Research over the last 20 years appears to
broadly support the idea that mindfulness can
have helpful effects for:
  - mental health
  - physical health
  - cognitive performance
Neuroscience of Mindfulness

- Neuro imaging studies are looking into brain areas and networks that contribute to these positive effects.
- A list of some of these studies can be found at www.mindfulnet.org.

Research on Mindfulness and the Brain

S. Lazar, et al, 2005
- Thicker cortical regions related to attention and sensory processing in long term meditators.
- Suggest meditation practice may offset cortical thinning brought on by aging.

Davidson, R. et. al, 2008
- Increased activation in region of the brain correlated with positive affect.
- More robust immune system response more after meditation training.

- More advanced practitioners showed more activation in areas of the brain that detect emotional cues, demonstrating heightened empathic awareness.

Mindfulness Research

Studied for applications in
- Parenting training
- Mental health treatment
- Concentration
- Schools
- Well being
- Stress management
- Treating the immune system

Some positive outcomes for pts with HIV, Chronic Fatigue Syndrome, MS.

Cohn, Dr. Patricia. The Little Book of Mindfulness: 10 Minutes to Less Stress, More Peace.
Jon Kabat-Zinn
Founder Mindfulness Based Stress Reduction (MBSR)
- Typically 8-10 week sessions
- Practicing 45 minutes/day
Runs large institute affiliated with Massachusetts General Hospital

Mindfulness and Concentration
- Random controlled study
- 2 week mindfulness training before GRE
- Participants had
  - Improved reading comprehension
  - Improved working memory capacity
  - Reduced distracted thoughts
  - Improved GRE scores


Prevention of Relapse in Recurrent Major Depression
- 145 people in remission or recovery
- Randomly assigned to treatment as usual or mindfulness based cognitive therapy plus treatment as usual
- 8 weeks treatment, followed by 52 week follow up
- People with 3 or more prior episodes (77% of sample) receiving MBCT showed significantly reduced rate of relapse, cutting relapse rates approximately in half. (37% MBCT vs. 66% TAU)
- For people with only 2 prior episodes, MBCT did not reduce relapse rates

Missouri Lawyers' Assistance Program

- Attorneys
- Judges
- Law students
- Family members

MOLAP Mindfulness

- Individual
- Group – Starts in November
- Presentations

MOLAP Activities

- Assess
- Counseling
- Refer
- Connect
- Coaching
- Free and confidential
- For lawyers, judges, law students and immediate family

2500 Served
Bibliography

- Chan, Amanda. 9 scientifically Backed Ways to Stop Worrying. Huffington Post, 10/1/13.
- Collard, Dr. Patricia. The Little Book of Mindfulness: 10 Minutes a Day to Less Stress, More Peace. Octopus Publishing Group, 2014.
- Gorman, Thomas E. and Green, C. Shawn. Short-term mindfulness intervention reduces the negative attentional effects associated with heavy media multitasking. Scientific Reports(6), www.nature.com, 4/18/16.
Bibliography


