THE ANXIOUS LAWYER

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JEENA CHO is a partner at JC Law Group PC, a bankruptcy law firm in San Francisco. She practices with her husband, Jeff Curl, working with individuals and small businesses to find the best solutions for their financial troubles.

In addition to her law practice, she teaches mindfulness and meditation to lawyers. She regularly speaks and writes about wellness, self-care and mindfulness. She also works with lawyers and law firms on stress management, work-life balance, career transition, increasing productivity and overall wellness.

Ms. Cho started her meditation practice at the Himalayan Institute in Buffalo, New York. She has completed several classes in Mindfulness and Compassion Cultivation Training at a number of institutions including Stanford University, and has attended numerous retreats on mindfulness at organizations including the Spirit Rock, Insight Retreat Center and the San Francisco Zen Center. She has completed the teacher training practicum for Mindfulness Based Stress Reduction (MBSR).

Ms. Cho is an adjunct professor at University of San Francisco, School of Law. She has spoken and offered training at Sheppard Mullin, Sidley Austin, NACBA, AABA, SMCBA, CCCBA, BASF, Golden Gate University, School of Law, NAPO and BALRA (and many other acronyms).

Ms. Cho enjoys writing and is the author of two books, The Anxious Lawyer, An 8-Week Guide to a Joyful and Satisfying Law Practice through Mindfulness and Meditation and How to Manage Your Law Office. She is a regular contributor to Forbes, Lawyerist, Above the Law, Ms. JD, and Huffington Post. She's been interviewed on MSNBC and by the Wall Street Journal.

She holds a J.D. and B.A. from University at Buffalo.
Be Here

What is Stress?
Stress is a reaction to a stimulus that disturbs our physical or mental equilibrium.

Rather than try to control the stimulus, pay attention to the reaction.
What is Anxiety?

Anxiety is the subjectively unpleasant feelings of dread over anticipated events.

According to ABA Study, released Feb, 2016:
Approximately 13,000 attorneys in the study
Levels of depression, anxiety, and stress among attorneys were significant
Experiencing

- Depression: 28%
- Anxiety: 19%
- Stress: 23%
Rule 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

*Kentucky Rules of Professional Conduct*
In Case Of Emergency:
Stop
Take a Breath
Observe
Proceed

Stress vs. Chronic Stress
Stress is useful and necessary!
The Silent Side Effects Of Lawyering

Secondary Traumatic Stress, Compassion Fatigue

...involves symptoms analogous to those seen in PTSD, re-experiencing images of traumas of the person receiving aid, avoidance of reminders of this material, numbing in affect and function, and persistent arousal.
Burn out
Special type of job stress — a state of physical, emotional or mental exhaustion combined with doubts about your competence and the value of your work.

Some Antidotes
Stress Management

- Set of techniques designed to increase **resiliency**
- Set of coping mechanisms
- Self-care

Not easy
- Learning new healthier behaviors
- Requires dedication, persistence and practice
Mindfulness + Meditation

**Mindfulness**: Being in the present moment with equanimity
Your mind?

Present moment?
Practical Application of Mindfulness for Lawyers

- Client interaction
  - Increase compassion
- Be with difficulties
  - Increase resiliency
- Understanding limitations of law
- Understand and set your boundaries
- Let go of your narrative
- Increase clarity
- Increase focus/concentration

Mindfulness Practice

- Phone: Let it ring 3x, breathe
- Email
- Walking in between meetings
- During lunch
- During client meeting
**Meditation: Means of settling and focusing the mind**

- Our mind is the one thing we can control
- We can learn to control how we react to and process the events in our lives
- Retain inner strength and sense of well-being
- Savor life more fully

**Common Reasons**

- Stress or anxiety management
- Increasing focus and productivity
- Letting go of unwanted habits
- Dealing with difficult events
- Seeking meaning and self-knowledge
As lawyers, we work to attain outcomes on behalf of our clients, yet have limited control over those outcomes.

Getting to know the mind and building the ability to deal with mental reaction can be sanity-preserving!
Do you meditate?
A. Frequently
B. Occasionally
C. Rarely
D. Never

How stressed are you?
A. High or very high
B. Moderate
C. Low or very low
Let's Practice

How stressed are you?

A. High or very high
B. Moderate
C. Low or very low
“Secure your own oxygen mask before helping others.”
- International Civil Aviation Organization,
Pre-Flight Safety Demonstration
STAY WELL

- Sleep: 6-8 hours p/night
- Take breaks: add movement
- Allies: spend time w/ people who love you
- Yoga: Yoga, mindfulness, deep breathing

- Well-balanced meals
- Exercise: 20~30 minutes p/day
- Let go
- Laugh

• What are you currently doing for self-care?
• Are there other self-care practices you’d like to incorporate into your life?
Self-Care: First act of community service

- Key to living a balanced life.
- Increase productivity.
- Critical for being our best selves: competent attorneys, loving family member/friend, contribution to our communities.

Increasing Happiness
The Happiness Advantage, Shawn Achor

1. Spend time with people you love
2. Go outside!
3. Help others
4. Practice gratitude

Gratitude Exercise

- What are you grateful for?
- Thank you
If not now, when?

What You Practice Gets Stronger
THANKS!

Any questions?
Email me: hello@jeenacho.com

CREDITS

Special thanks to all the people who made and released these awesome resources for free:

- Presentation template by SlidesCarnival
- Photographs by Unsplash
Mindfulness has become a huge buzzword recently. Thanks to neuroimaging, scientists are able to actually see the impact mindfulness and meditation have on the brain. There are over 3,000 scientific studies (http://www.ncbi.nlm.nih.gov/gquery/?term=mindfulness) showing that mindfulness is helpful for reducing stress and anxiety, and increasing self-awareness, focus, concentration, and empathy/compassion – the list of benefits (http://abovethelaw.com/2015/11/why-corporate-america-loves-mindfulness-but-law-firms-resist-it/) for mindfulness practice goes on and on. If you’d like to review the 3,008 studies, check out National Institute of Health website (http://www.ncbi.nlm.nih.gov/pubmed/?term=mindfulness).

However, you may still be wondering: what the heck is mindfulness anyway? It's a good question and I'll attempt to address that in this article. I'll also add that mindfulness is a way of being – an attitude or an intent you hold as you move through your life.

Jon Kabat-Zinn, Ph.D., of the University of Massachusetts Medical School defines it as: "Paying attention on purpose, in the present moment, and nonjudgmentally, to the unfolding of experience moment to moment."

Dan Harris, author of 10% Happier, defines it as: "Mindfulness is the ability to know what's happening in your head at any given moment without getting carried away by it."

One additional definition by Sharon Salzberg, author and meditation teacher, may be helpful: "Mindfulness isn't just about knowing that you're hearing something, seeing something, or even observing that you're having a particular feeling. It's about doing so in a certain way – with balance and equanimity, and without judgment. Mindfulness is the practice of paying attention in a way that creates space for insight."

An example might be looking at a sunset. You can notice all the different colors, the movement of the sun, the temperature, and simply enjoy that moment. Perhaps you can feel the awe from being absorbed in the beauty of that moment. It's a way to really connect with each moment.

You can also think about the opposite of mindfulness – the state of being mindless. When you're mindless, what quality does that have? It may have an attitude of not caring, not paying attention to details, a carelessness, and not giving your full attention.

The other related concept to mindfulness is compassion. It is often said that mindfulness and compassion are like two wings of a bird.
Benefits of Mindfulness Practice

1. Self-regulation

The benefits of mindfulness for lawyers are obvious. We must be able to regulate and moderate our own reactions to highly stressful situations and stay cool under pressure. Given the high stakes in many of our cases, we definitely can't afford to be mindless. The ability to be in the present moment – so when you’re writing your Motion for Summary Judgment, you can fully pay attention to that instead of replaying an unpleasant conversation from earlier on – is an obvious super skill for a lawyer.

2. Ability to Reduce "Knee-Jerk" Reactions

Mindfulness creates that moment of pause between the stimulus and your reaction. So, rather than yelling back at the a-hole on the phone who's screaming and triggering all sorts of negative reactions, you can find a moment of reprieve by being able to add a moment of pause. That pause then creates a space so you can respond rather than react. Again, an obvious benefit for lawyers.

3. Increased Self-discipline

Creating a daily habit of meditation has a huge ripple effect on the rest of your life. It's hard to create a new habit – something that you do on a daily basis. I've found that committing to the daily habit of meditation has given me the ability to form other habits. For example, eating breakfast every morning instead of just drinking a cup of black coffee (something I've done since college!). It also helped me to regularly practice Bikram yoga and exercise.

How to Practice Mindfulness

The primary way to train your mind to be more mindful is through meditation. I wrote about how to meditate in a two-part post: "How to Meditate Part I (http://abovethelaw.com/2015/06/how-to-meditate-a-guide-for-lawyers-part-i/) and Part II (http://abovethelaw.com/?s=How+to+Meditate%3A+A+Guide+for+Lawyers+part+II)." If you try nothing else, I encourage you to try meditating daily for twenty-one days. You don't need to meditate for hours each day. Just a few minutes is a great place to start. Check out this list of 0.1 hour meditations (http://theanxiouslawyer.com/6-minute-mediation-for-lawyers/).

Aside from the formal practice of meditation, mindfulness can be practiced all the time! I've found it helpful to incorporate mindfulness into my day by having mindfulness cues. These cues remind me to stop just for a second, tune in, notice that moment, and see if I'm being mindful or mindless. It's breaking the habit of mindlessness. I usually stop and take a long inhale followed by a slow exhale. Studies indicate (http://www.npr.org/2010/12/06/131734718/just-breathe-body-has-a-built-in-stress-reliever) that when you slow your breath, you can reduce the stress hormones in the body.
Mindfulness Cues:

➤ Turning on or off a light switch
➤ Stopped at a stop sign or a red light
➤ Standing at the refrigerator door (this is a great practice, especially those who engage in mindless eating)
➤ Showering
➤ Washing hands
➤ Brushing teeth
➤ Pushing the home button on the iPhone (for the 658th time that day)
➤ Before opening an email
➤ Before answering the phone

You should come up with your own mindfulness cues where you'll intentionally slow down and practice mindfulness. Like most things in life, what you practice will get stronger, so keep practicing!

P.S. I'll be teaching an eight-week "Better Lawyering Through Mindfulness" course starting in January. You can get additional information here (http://bit.ly/1kpORr7).
There are many reasons for why mindfulness practices can benefit everyone, not just lawyers. However, in doing research for a Forbes article (http://www.forbes.com/sites/jeenacho/2016/07/14/10-scientifically-proven-benefits-of-mindfulness-and-meditation/#8af92fc6e91c), I came across a body of research that is especially applicable for lawyers: mindfulness reduces implicit bias. According to the National Center for State Courts (NCSC), implicit bias (http://www.ncsc.org/~/media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/Implicit%20Bias%20FAQs%20rev.ashx) is defined as:

[b]ias in judgment and/or behavior that results from subtle cognitive processes (e.g., implicit attitudes and implicit stereotypes) that often operate at a level below conscious awareness and without intentional control.

Implicit bias plays a role when it comes to hiring, training, and maintaining talents. Humans are naturally most comfortable with others that look and speak like themselves and share similar backgrounds. So, if you're a white male partner, looking to hire or mentor a younger lawyer, you're more likely to prefer an attorney from your alma mater, who perhaps grew up in the same geographic location, and of course, shares your race and gender.

The difficulty with implicit bias is that it runs under your consciousness. Therefore, it's difficult to recognize and correct. However, a new body of research indicates that mindfulness may reduce, or in some cases, eliminate implicit bias.

Mindfulness meditation focuses the individual on the present and encourages practitioners to view thoughts and feelings nonjudgmentally as mental events, rather than as part of the self. This allows the individual to understand and reflect on these events as transient moments that are separate from the self, which inhibits the natural tendency toward reaction and automatic evaluation (Bishop et al., 2004).

On a practical level, this involves a daily practice of meditation, and a continual focus on what is happening in this moment. It's a tool that we can use to be more self-aware, to respond from a place of calm, and to cultivate empathy.

In a 2015 Central Michigan University (http://spp.sagepub.com/content/6/3/284) study by Professor Adam Lueke, participants listened to either a mindfulness or a control audio. Professor Lueke's team then administered implicit association tests (IATs) (https://en.wikipedia.org/wiki/Implicit-association_test). IAT is designed to detect the strength of a person's automatic association between mental representations of objects — in this case, implicit bias against blacks or older people. Professor Lueke wanted to see if mindfulness can reduce automatic social cognition, implicit out-group bias.
Results showed that brief mindfulness meditation increased the state of mindfulness and **reduced implicit race and age bias**. Specifically, listening to a ten-minute audiotape that focused the individual and made them more aware of their sensations and thoughts in a nonjudgmental way caused them to show less implicit bias against blacks and older people on the race and age IATs than individuals who listened to a ten-minute audiotape describing historical events and geographical landmarks.

In a follow-up study ([http://psycnet.apa.org/?&fa=main.doiLanding&doi=10.1037/cns0000081](http://psycnet.apa.org/?&fa=main.doiLanding&doi=10.1037/cns0000081)), Professor Leuke took these results a step further to see if the same mindfulness intervention could affect conscious behavior as well. Research participants played a game that measured trust levels. Essentially, participants looked at a bunch of pictures of various people of different races and gauged how much they trusted them to help them win money in the game, or potentially steal the money away from them. Control participants trusted white interaction partners far more than black ones, but the mindfulness group trusted both groups almost identically.

This area of study has an obvious implication and benefits not only for law firms, but also our court system.

As Judge Chris McAliley, U.S. Magistrate Judge of the Southern District of Florida wrote in her *Florida Bar Journal* article "Mindfulness on the Bench":

> Importantly, mindfulness practice is not about eliminating wise discernment; but it is about minimizing prejudgment. With this, judges can better deliver procedural fairness. For example, much has been written about bias, that is, attitudes and stereotypes that often operate outside our conscious awareness, and research is pointing to the role mindfulness may play in bringing them to light, clarifying our perception. When a judge is able to whole-heartedly pay attention, without the distortion of habit, bias, or assumptions, that judge is more likely to treat people, and manage a courtroom, in a manner that encourages confidence in our system of justice.

Fortunately, the practice of mindfulness need not take hours per day, or require you to check yourself into an Ashram in India (although, you certainly can). All that is needed to start a mindfulness practice is simply your attention and a commitment. Take a look at this short guide ([http://www.forbes.com/sites/jeenacho/2016/05/10/simple-steps-for-starting-a-meditation-practice/#780f9937653f](http://www.forbes.com/sites/jeenacho/2016/05/10/simple-steps-for-starting-a-meditation-practice/#780f9937653f)) on where to start.

Do you practice mindfulness? What benefits have you noticed? Please drop me an email and let me know hello@jeenacho.com or on Twitter @jeena_cho.
When I work with lawyers, there's a common myth that we all believe – stress is bad, and if we could only be "stress free," we would all be more productive. It turns out, a moderate amount of stress is actually better for peak performance. The concept, known as Yerkes-Dodson Law (https://www.psychologytoday.com/blog/the-brain-and-emotional-intelligence/201203/the-sweet-spot-achievement), states that our performance can be tracked on a bell curve (https://en.wikipedia.org/wiki/Yerkes%E2%80%93Dodson_law). As arousal increases, so does performance, but only to a point. Once arousal or stress level goes over the top of the peak of the bell-curve, performance decreases.

As lawyers, stress moderation is crucial. We can't change or avoid daily stressors, but we can change our reaction to those stress-inducing situations. Additionally, we can limit the physiological impact of chronic stress.

Research indicates we can become better at stress. We can learn to manage the negative impact of stress on the body.

**Change How You View Stress**

Do you ever find yourself getting stressed about the fact that you are experiencing so much stress? An interesting body of research by a Stanford psychologist and researcher, Kelly McGonigal (http://news.stanford.edu/news/2015/may/stress-embrace-mcgonigal-050715.html) shows that how we think about stress can make a difference in whether stress is helpful or harmful in our decision making:

The three most protective beliefs about stress are: 1) to view your body's stress response as helpful, not debilitating – for example, to view stress as energy you can use; 2) to view yourself as able to handle, and even learn and grow from, the stress in your life; and 3) to view stress as something that everyone deals with, and not something that proves how uniquely screwed up you or your life is.

So, the next time you're experiencing stress, see if you can reframe it and view it as your body's natural response to a difficult situation.

**Find Genuine Social Support**

It can be difficult for lawyers to find genuine, deep, meaningful friendships, especially at the workplace, where it can be very competitive. However, science is clear, strong social support increases our resilience and our ability to get through stressful or difficult situations.

Stanford, says "For stress as well as negative emotions, one of the most powerful buffers is genuine social support."

If you're lacking genuine social support, regularly make small efforts to change this. For some people, this may be getting involved with the local church, and for others, it may be finding a local running group. Perhaps you have a friend that you've lost touch with that you can reach out to.

**Meditate**

When you're in a stressful situation, the last thing that you may want to do is sit down to meditate. However, research study after research study indicates meditation can trigger the relaxation response in the body (http://news.harvard.edu/gazette/story/2015/10/relaxation-response-proves-positive/).

The relaxation response was first described more than forty years ago by Harvard Medical School Professor Herbert Benson… (http://www.bensonhenryinstitute.org/about/dr-herbert-benson) The physiologic opposite of the well-documented fight-or-flight response, the relaxation response is elicited by practices including meditation, deep breathing, and prayer, and has been shown to be helpful in the treatment of stress-related disorders ranging from anxiety to hypertension.

These are just a few ways of managing the stresses of law practice better. I recommend choosing one and practicing it daily. That's the most important key for stress management – consistent practice.

What tools have you found to be helpful in managing stress? Share your thoughts over on Twitter @jeena_cho or email smile@theanxiouslawyer.com.

P.S. I am offering a CLE on skillfully navigating difficult conversations on March 30th. Details can be found here (http://bit.ly/1U5lUNi).
WHY REST IS CRITICAL FOR GOOD LAWYERING

Jeena Cho
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For the second year in a row, my husband and I started the New Year by attending a week-long silent meditation retreat at Esalen (http://www.esalen.org/). Usually, whenever I attend a long retreat, I feel exhausted for the first couple of days. I start to sleep a solid eight hours and really practice unplugging from the world. It's an opportunity to take a journey inwards, reflect, and examine life.

As I sat overlooking the Pacific Ocean, watching the whales migrate and dolphins play in the water, I was reminded of the importance of rest. Many lawyers I talk to complain about how they always get sick on vacations. I believe part of this is attributable to lack of rest in our daily life.

Scientists are discovering the importance of play, rest, and unplugging from work. As discussed in this Scientific American article (https://www.scientificamerican.com/article/mental-downtime/):

  Downtime replenishes the brain’s stores of attention and motivation, encourages productivity and creativity, and is essential to both achieve our highest levels of performance and simply form stable memories in everyday life.

Sadly, Americans are taking fewer breaks throughout the day as well as less vacation. When I offer stress management workshops to lawyers, I'll ask the audience how many of them regularly eat lunch at their desk. In general, 75 percent or more of the room will raise their hands. This is consistent with this NPR story (http://www.npr.org/sections/thesalt/2015/03/05/390726886/were-not-taking-enough-lunch-breaks-why-thats-bad-for-business):

  Research shows that only 1 in 5 five people steps away for a midday meal. Most workers are simply eating at their desks.

"So staying inside, in the same location, is really detrimental to creative thinking. It's also detrimental to doing that rumination that's needed for ideas to percolate and gestate and allow a person to arrive at an 'aha' moment," Elsbach tells Jeremy Hobson, host of Here & Now.

The human body (and brain) simply isn't designed to sit stationary for 8-12 hours per day. The body needs time to not only collect information and data, but also time to process it. Much of this data processing happens in our sleep (http://news.mit.edu/2009/memories-0624) where the brain moves memories from short-term storage to long-term.

Perhaps you've had the experience of spending many hours or even days trying to solve a problem, walk away from thinking about the problem, then an insight hits in the shower or taking a hike.
When we walk away from a problem and engage in rest, play, and downtime, it puts our subconscious to work. Lawyers, of course, put an extremely high value on their conscious, cognitive thinking abilities but perhaps we should also value productivity and creativity that comes from downtime.

Downtime doesn't require you to go on a week-long silent meditation retreat (although I highly recommend it). You also don't need to go on vacation. All that's required is intentionally pausing and giving yourself a rest.

Here are some practices I've found to be helpful:

1. Get up from your desk! According to this Forbes article (https://www.forbes.com/sites/davidsturt/2015/01/13/is-sitting-the-new-smoking/#7e4ae1ae4fd4), "Sitting is the most underrated health-threat of modern time." Set an alarm and regularly get up from your chair – stretch, walk around the office, or walk around the block. By adding movement into your day, you'll increase energy by as much as 150 percent.

2. Work hard. Then unplug completely. Most of us continually think, worry, or obsess about work in an unhealthy and unproductive way. Developing a concentration practice – such as meditation – will train your mind to completely focus on what is happening in each moment instead of continually walking around in a fog of useless thoughts.

3. Find tools for insta-unplug. Find healthy activities that promote downtime. This can be listening to your favorite song, going for a long walk, jogging, swimming, yoga, playing Scrabble, or other relaxing activities. The more tools you have in your arsenal for unplugging, the better.

What tools have you found to be useful for unplugging? Drop me an email and share. smile@theanxiouslawyer.com
