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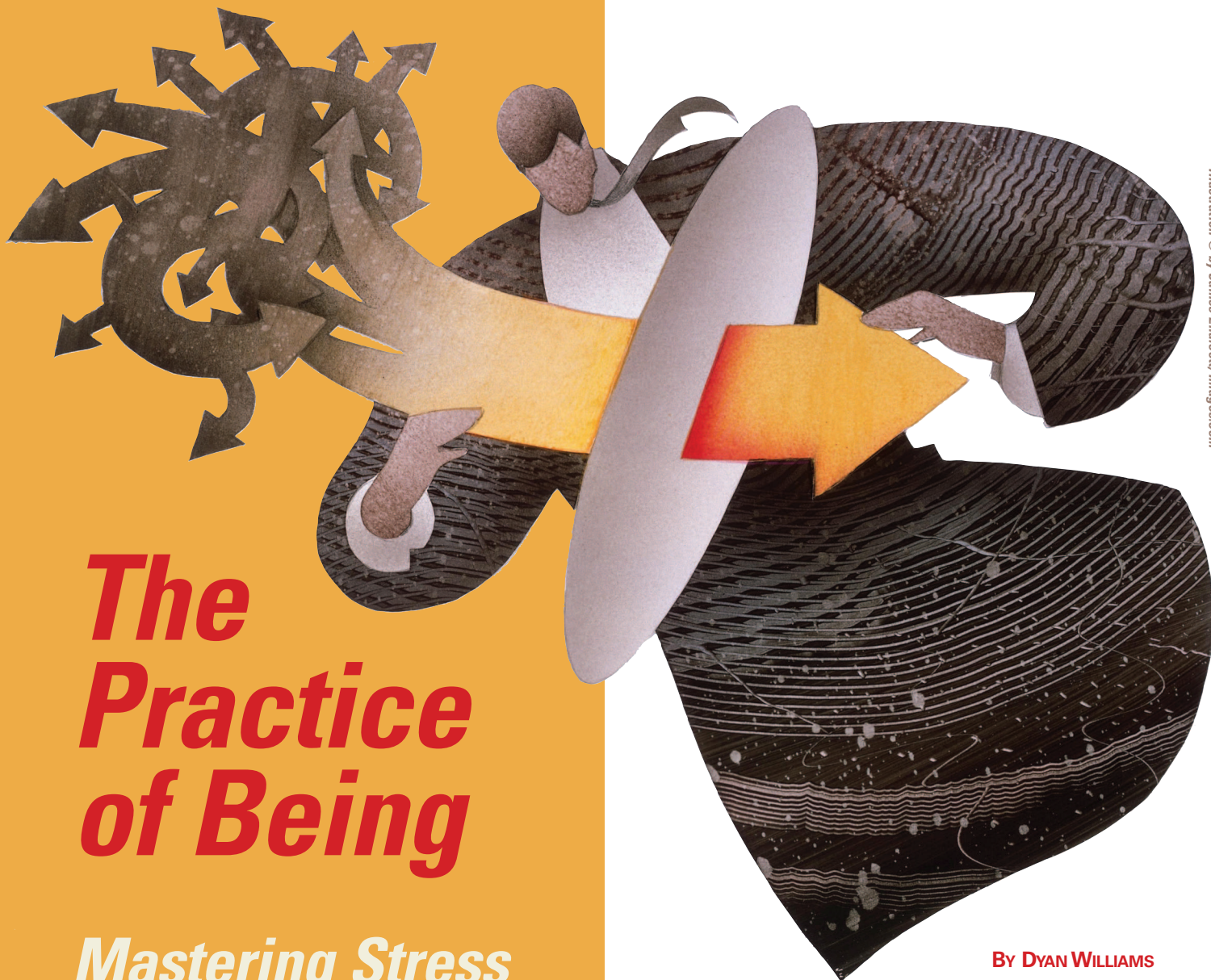


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The Practice of Being

Mastering Stress & Finding Meaning as a Lawyer

High stress is a virtual hallmark of the legal profession and high rates of suicide, chemical dependency, and depression among lawyers demonstrate that managing stress is a challenge for many. Practicing the mental disciplines of mindfulness, acceptance, and personal authenticity offers a way to quell stress and find greater meaning.

BY DYAN WILLIAMS

Lawyers are expected to deliver positive results, achieve lofty goals, and think and talk their way through problems and challenges. This makes it difficult for those of us who are lawyers to admit that we are vulnerable to making mistakes in high-pressure situations, that we do not always have ready answers, and that we ultimately lack control over outcomes. Lawyers' livelihoods depend highly on the ability to produce favorable results under enormous pressure and severe time constraints; lawyers suffer from depression, substance abuse, chronic burnout, stress, and stress-related illnesses at rates much higher than the general population.¹ These mental health issues are sometimes self-created, but individual lawyers can reduce their prevalence, master stress, and find true meaning in the legal profession by following three inner-oriented steps:

- mindfulness of the present moment;
- acceptance of situations and circumstances as they unfold; and
- giving values-based intentions equal or higher priority than goal setting.

Creating Suffering

Lawyers are two to three times more susceptible to depression or chemical dependency than the average adult.² The legal

Constant demands, conflicting priorities, and billing pressures in the workplace often take a toll on lawyers' physical health and emotional well-being.

profession also carries the highest risk of suicide among all other occupations.³ Constant demands, conflicting priorities, and billing pressures in the workplace often take a toll on lawyers' physical health and emotional well-being. While lawyers' assistance programs and counseling centers are available to help those suffering from depression, alcoholism, and other mental health issues, we as individual lawyers have primary responsibility for how we view our profession, how we see our place within it, and how we relate to it. While emotional distress or mental suffering often results from external circumstances, much of it is also self-created. This is particularly so for those who obsess over the future or past instead of focus on the here and now, resist uncontrollable outcomes as they unfold, and measure their self-worth in terms of wealth, power, status, fame, and reputation.

Those who do not pay attention to the present moment or accept present situations as they occur easily lose their center when unexpected changes and unwanted events arise. Failing to set values-based intentions and live in alignment with them leads to suffering emotional consequences like misery, anxiety, and anger when desired goals are not achieved. The error lies in believing that external sources, such as higher compensation, promotions, accolades, and material possessions are keys to lasting happiness. While these things do make life easier and more pleasurable, they are hollow reflectors of an individual's true essence. Contemporary spiritual teachers and psychologists note that the true path to a full and meaningful life begins with knowing and making peace with your inner self (which is always within reach) and living accordingly.⁴ Accepting trials and tribulations with grace and equanimity, and even welcoming them as opportunities for growth and transformation, begin with the three inner-oriented steps outlined below:

Mindfulness

As Eckhart Tolle, spiritual teacher and author of *The Power of Now*, states, "The past is a memory of a former Now; the future is a mental projection of an expected Now."⁵ Failure to understand this leads to constant fretting about the consequences of past actions or decisions, or anxiety over potential future results that

may affect our clients, ourselves, and our practice.⁶ Worrying about the past and ruminating about the future frequently puts one at odds with the present moment.

Addicted to speed in a profession where time is money, lawyers juggle multiple priorities to get things done fast and, in the process, create stress for themselves. Ongoing deadlines, demands from clients and bosses, and never-ending responsibilities lead to stressful multitasking. But doing too many things at once and not taking any meaningful breaks preclude being present and truly awake to what you are doing. Scientific evidence shows that chronic multitasking can fuel a stress response that results in short-term memory loss, inability to focus, and gaps in attentiveness.⁷ Not being mindful leads to doing and saying things out of habit, operating on autopilot, making careless mistakes, and rushing from task to task without noticing the breaks in between.

In contrast, by practicing mindfulness, *i.e.*, having moment-to-moment awareness of what is before you without judgment or reaction, you can let go of fixations on the past and musings about the future. Focusing on one thing at a time before quickly switching to the next can reduce self-created stress. Mindfulness involves noticing thoughts and feelings as they come and go, without being attached to or averse to them. Individuals learn that they have the power to choose their actions regardless of the fear, anxiety, and worry they might be feeling. Mindfulness induces a deeper awareness of the impermanence of all things, which allows one to navigate life's challenges with openness and curiosity.

Leonard L. Riskin, a professor at the University of Florida Fredric G. Levin College of Law, proposes meditation as a practice for dealing with stress among lawyers and law students. In a Spring 2002 *Harvard Negotiation Law Review* article, "The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers and Their Clients," he noted, "[Stress-related] problems stem in part from certain narrow, adversarial mind-sets that tend to dominate the way most lawyers think and most legal education is structured."⁸ Such mindsets, he added, "tend to promote egocentric behavior, excessive adversari-

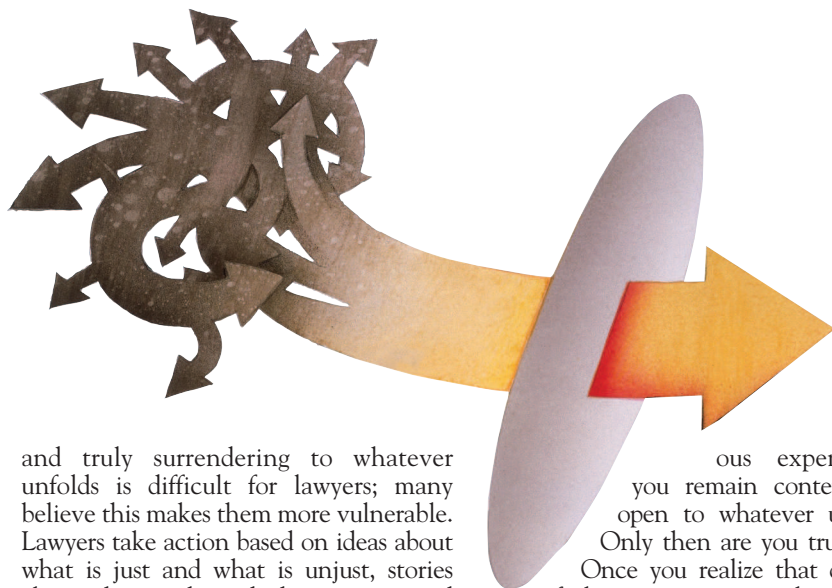
alism, and a lack of balance between personal and professional aspects of life, which often lead to unhealthy levels of stress, to experiences of isolation, emptiness and absence of meaning, and to the rendering of inadequate or inappropriate services."⁹

A formal meditation practice, which usually involves sitting, closing one's eyes, focusing on one's breath, and noticing thoughts, feelings, emotions, and body sensations come and go, is one of the most effective ways to cultivate mindfulness. Mindfulness can also be achieved by paying full attention to one's work activities, such as making a telephone call, speaking to opposing counsel, drafting a brief, or arguing before a judge. Everyday mindfulness also includes simple things like feeling the earth under your feet as you walk, sensing the texture of food when you eat, and listening to what others are saying without judgment or planning what you want to say next. Mindfulness enables one to see that the world is theirs to participate in and nurture, not manipulate and control. Living in the moment and fully observing your current experience (and not wishing you were somewhere else) leads to realization that inner peace or happiness is a choice and does not arise only when or only if something specific happens.

Acceptance/Nonresistance

While much of the stress lawyers experience is related to external circumstances—such as a flagging economy, billable goals and demanding clients—much of it is also self-created. It's all too easy to worry and get upset over things that are none of our business and that are out of our hands. Unexpected results or unwanted changes induce fear of losing control and the discomfort of moving into uncharted territory. The key to make way for easeful living and stress mastery is to accept that you are not always in control, surrender to the dance of life, and allow true wisdom to arise from deep within.¹⁰ Acceptance of reality does not mean being approving, passive, indifferent, or reluctant to voice your opinions and perspectives. Rather, it involves taking more skilful action from a deeper awareness of how things truly are rather than from old habits and conditioned reactions.

The concept of letting go of outcomes



Being authentic allows you to have a rich and purposeful life that is not contingent on wealth, power, status, reputation, or fame.

and truly surrendering to whatever unfolds is difficult for lawyers; many believe this makes them more vulnerable. Lawyers take action based on ideas about what is just and what is unjust, stories about who is right and who is wrong, and beliefs about who should win and who should lose. But while lawyers are problem-solvers, not all problems are solvable by thinking and arguing. By practicing acceptance of “what is,” lawyers can accept individuals and circumstances as they are, take responsibility for the situation without blaming anyone (including themselves), and instigate action that is in line with reality.¹¹ By letting go of preconceived positions, lawyers can become more open to new information and creative solutions, which is particularly useful in the face of a crisis or uncertainty.¹²

Acceptance starts with reflecting on one’s essential self, not from an analytical perspective, but from the direct experience of who you really are at the core. Stepping back from your thoughts, feelings, beliefs, desires, and fears and noticing—not judging—them from the perspective of a higher witness fundamentally shifts how you deal with adversarial situations and uncomfortable circumstances. Resisting the present situation and judging yourself in terms of your response makes you more prone to addiction, which involves dependence on external sources to suppress uncomfortable thoughts and feelings or provide distraction from difficulties.¹³ Further, if you learn to observe yourself, you will notice that your addictions or depression are separate from your core essence. You can then take mindful action to seek remedies without the shame and guilt that keep you stuck. By also accepting things you cannot change about other people, circumstances, and events, you are less likely to develop unhealthy coping strategies. You can make empowering inquiries like, “What now—what can I do to alleviate the situation?” rather than dwell on victim-based questions like, “Why me?” or “Why is this happening to me?”

When you are equally willing to embrace difficult moments as well as joy-

ous experiences, you remain content and open to whatever unfolds. Only then are you truly free. Once you realize that difficult feelings are not you, but simply come and go as they pass through you, you can live and work in a truly mindful state. By stilling your thoughts and sitting with the disappointment of lost jobs, cases, and clients—without staying stuck—you create a more peaceful life. From there, you can take wise action, rather than react from fears and insecurities.

There are many ways to practice acceptance in daily life. For instance, you can:

- **Engage with those who have a different perspective.** Assuming it does not sap your energy to the point of exhaustion or degenerate into blaming, name-calling, or other counterproductive behavior, communicate regularly with those who see the world differently. Know that two persons can have very valid yet opposing viewpoints.

- **Open up to the unknown.** Let events unfold without always trying to figure things out or manipulate external forces to get what you want. Simply open up and allow the solutions to come to you in creative and intuitive fashion. Be a true observer, judge less, and acknowledge when you’re forcing your perspectives on the universe. There is no need to eliminate uncertainties if you welcome them as opportunities to discover your strengths instead of problems to fear.

- **Embrace thoughts and feelings without attachment.** When you can sit with difficult feelings and emotions—including fear, anger, sadness and envy—without trying to fix the problem, change the situation, or keep busy with other things, you become less attached to these experiences and better able to make conscious decisions about how to act. So-called negative emotions will always be part of the human experience since everything is impermanent and ideal circumstances eventually end.

- **Accept that we win some, lose some.** Remember, easy come, easy go. These are

common sayings that are taken for granted, but are very true in life. Be grateful for your accomplishments and possessions without being attached to them. A big client account you have today may be gone tomorrow.

Authenticity

Lawyers are highly goal oriented and often competitive by nature or nurture. They evaluate themselves based on how they measure up to their peers, colleagues or competitors. While graduating at the top of a law school class, winning significant cases, or achieving accolades are noble accomplishments, they are hollow reflectors of who someone is at the core. Measuring your worth according to goals that may or may not come to fruition leads inevitably to suffering. Letting your ego step out of the way, shedding unnecessary clutter, and allowing your true self to shine opens the way to a more lasting, unconditional happiness that does not depend on variable calibrators of success. This starts with setting value-based intentions, which are different from goals, and living in alignment with them.¹⁴ Life is much more meaningful when we don’t measure true success by what we achieved or didn’t achieve, but by how aligned we are with our essential selves.¹⁵

By setting intentions based on personal values—deep desires and guiding principles that reflect how you want to be and how you care to relate to others—and acting accordingly, you can have a purposeful life regardless of what arises.¹⁶ Unlike setting goals, setting intentions is not oriented toward obtaining a future outcome or crossing items off a to-do list.¹⁷ Rather, it is a continuing process that has no end and is based on what truly matters to the individual. Values include the desire to be helpful to colleagues, responsive to clients, and attentive to the quality of one’s work, while goals are becoming a law firm partner or getting a promotion. While goal making is a valuable skill that provides direction in life, focusing on goals entails focusing on future outcomes that may never come to fruition.¹⁸ By contrast,

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aligning your actions with values-based intentions opens the way to a meaningful life that is not tied to whether or not you reach your goals.¹⁹ Paradoxically, by acting from your values, you are more likely to fulfill your goals than when you act from your fears and insecurities.²⁰

By being true to yourself, you will be better able to hold your center and remain grounded, even when threatened or challenged. If you can appreciate and express your own uniqueness, you don't have to struggle to become someone you really aren't. Be courageous enough to heed your true calling; live and work according to your deepest values; and, if need be, choose a new life path that supports your essence. Being authentic allows you to have a rich and purposeful life that is not contingent on wealth, power, status, reputation, or fame.

Conclusion

Although emotional distress and mental suffering in the legal profession are often caused by external circumstances, such as ongoing deadlines and demanding clients, individuals' internal responses play a large role as well. By practicing mindfulness, acceptance and authenticity, anyone can have inner peace, even when they don't get exactly what they want or when things go awry. Individuals can also view challenges as opportunities to grow and explore possibilities instead of gravitate toward the first thought or solution that arises.

Mindfulness leads to appreciating your thoughts and feelings as they come and go without getting hooked by them. By practicing acceptance, you can remain centered and content no matter what comes your way. By focus-

ing on values-based intentions, you make your best effort and let go of the outcome. In contrast, when you obsess over the past or future, struggle with reality, or measure your self-worth by external yardsticks, you create unnecessary suffering for yourself, just like so many others in the legal profession. To master stress and find true meaning in the legal profession:

- slow down when you drift into mindless acceleration;
- pay attention to and embrace the present moment; and
- act in alignment with your authentic self.

With this inner-oriented approach, any lawyer can experience more joy and fulfillment, regardless of the uncontrollable, external stressors of our profession. ▲

Notes

¹ Debra Cassens Weiss, "Lawyer Depression Comes Out of the Closet," *ABA Journal Law News Now* (12/13/07), available at http://abajournal.com/news/lawyer_depression_comes_out_of_the_closet.

² Robert Zeglovitch, "The Mindful Lawyer," 23 *GPSolo* 7 (October-November 2006), available at <http://www.abanet.org/genpractice/magazine/2006/oct-nov/mind-fulllawyer.html>.

³ Todd C. Scott, "Lawyer Seeks Treatment, Boss Seeks Assurance," 26 *GP Solo* 7 (October/November 2009), p. 26.

⁴ See e.g., Phillip Moffitt, *Dancing With Life: Buddhist Insights for Finding Meaning and Joy in the Face of Suffering* (Emmaus, PA: Rodale, 2008); Richard Moss, *The Mandala of Being: Discovering the Power of Awareness* (Novato, CA: New World Library, 2007); Michael A. Singer, *The Untethered Soul: the Journey Beyond the Self* (Oakland, CA: New Harbinger Publications, Inc., 2007); Eckhart Tolle, *The Power of Now: A Guide to Spiritual Enlightenment* (Novato, CA: New World Library, 1999).

⁵ Steve Donoso, "The Power of Presence," 63 *IONS Noetic Sciences Review* (March 2003).

⁶ Robert Zeglovitch, "The Mindful Lawyer," *supra* n. 2.

⁷ Sue Shellenbarger, "Multitasking Makes You Stupid: Studies Show Pitfalls of Doing Too Much at Once," *Wall Street Journal* (02/27/03).

⁸ Thomas Adcock, "Become a Better Counselor Through

Meditation," *New York Law Journal* (07/30/08).

⁹ *Id.*

¹⁰ See Phillip Moffitt, *Dancing With Life: Buddhist Insights for Finding Meaning and Joy in the Face of Suffering*, *supra* n. 4.

¹¹ See Arjuna Ardagh, *The Translucent Revolution: How People Like You Are Waking Up and Changing the World* (Novato, CA: New World Library, 2005); Philip Moffitt, "Starting Over," *Yoga Journal* (February 2007).

¹² Richard Boyatzis and Annie McKee, *Resonant Leadership: Renewing Yourself and Connecting with Others Through Mindfulness, Hope and Compassion* (Harvard Business School Press).

¹³ Moss, *supra* n. 4; Martha Beck, *Finding Your Own North Star: Claiming the Life You Were Really Meant to Live* (New York: Three Rivers Press, 2001).

¹⁴ See Russ Harris, *The Happiness Trap: How to Stop Struggling and Start Living* (Boston, MA: Trumpeter Books, 2008); Gay Hendricks, *Conscious Living: Finding Joy in the Real World* (San Francisco, CA: Harper, 2000); Phillip Moffitt, "The Heart's Intention," *Yoga Journal* (September/October 2003).

¹⁵ *Id.*; see also Martha Beck, *Finding Your Own North Star: Claiming the Life You Were Really Meant to Live* (New York: Three Rivers Press, 2001).

¹⁶ Harris, *supra* n. 14.

¹⁷ Moffitt, *supra* n. 14.

¹⁸ *Id.*

¹⁹ *Id.*; Moffitt, *supra* n. 4.

²⁰ *Id.*