Mindfulness as the Cornerstone for Competent Lawyering

Friday, October 7, 2016
8:00am-9:30am

Speaker:

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A substantial body of research indicates that secular mindfulness, the practice of present-focused, non-judgmental attention, offers a powerful technique for disengaging from habitual, harmful behaviors, including alcohol and drug abuse, workaholism, and compulsive technology use. Particular mindfulness practices can also be used to cultivate greater empathy and compassion, which form important foundations for civility and ethical conduct. In this session, we'll explore the research on these findings and their implications for lawyers, and learn portable practices for implementing these important benefits for a happier, more balanced, and more effective life in the law. May be eligible for California competence issues credit.
Mindfulness As A Cornerstone For Competent Lawyering

I. Competence Defined

   A. MPC 1.1
   B. California Rule 2.72
   C. In practice
      1. Results
      2. Meeting client’s needs
         a. Zealous advocacy
         b. Effective communication AND listening
         c. Emotional intelligence
      3. Performing well in a sustainable way
         a. Mental, physical, and emotional wellbeing

II. Contributing Factors to Impaired Competence

   A. Legal environment and our information society
      1. Volume of work
      2. Unpredictable deadlines
      3. Devices ("Continuous partial attention")
      4. Always available
      5. Information overload

   B. Stresses of law practice
      1. Verbal aggression & manipulation
      2. Competition and conflict, with colleagues and opposing counsel
      3. Professional demeanor to hide alarm, fear, disgust, abhorrence, boredom and other unwelcome emotions
4. Keeping a facade of imperviousness and implacability regarding personal problems
5. Occasional cognitive dissonance between your personal beliefs and positions you’re required to take, esp. in connection with settlements

C. Substance abuse
   1. A common coping mechanism
   2. Impairs competence in the long (and potentially short) run

III. Mindfulness is an Essential Tool for Competence

A. Biological, neurological, psychological effects of meditation
   1. Calming effect on heart rate and breathing
   2. Increased ability to focus and redirect attention
   3. Strengthens areas associated with learning and memory through neuroplasticity
   4. Improved performance on standardized tests (e.g. GRE)
   5. Greater emotional wellbeing and resilience, a powerful antidote to addictive behavior

B. The practice of mindfulness – how it works
   1. Ability to be present with whatever happens in the moment, without wishing things were different
   2. Calming & steadying the mind: focus, non-distraction; managing difficult situations and people without reactivity
   3. Understanding the mind: thoughts and emotions as just what’s happening in the present moment – don’t believe everything you think or even feel
   4. Choosing competent states of mind: self-compassion when frustration or anger points you in the direction of substances or other abusive behavior; wise words & actions when confronted with these difficult states of mind, including resisting impulsive behavior (verbal, use of substances, devices)

C. Mindfulness “at home,” and in legal practice
   1. Simple daily practices for greater focus, wellbeing, and effectiveness
a. Breath awareness meditation  
b. Self-compassion meditation  
c. Walking meditation, esp. outside if even just to get a sandwich

2. Mindfulness at work

a. Take a few breaths, feeling your feet on the ground when feeling overwhelmed or triggered  
   Mindful listening in meetings, client interviews; esp. listening with curiosity & compassion

b. Wise words & actions

IV. Conclusion: Mindful Lawyering is Competent Lawyering

A. Cultivating mental and emotional competence to do our work effectively, efficiently, and with both intellectual and emotional intelligence
B. Developing the tools to sustain a rewarding career in the law, without resorting to substance abuse or other addictive behaviors
C. Approaching clients with understanding, stability and wisdom