



## FLORIDA BAR NEWS

### THE MINDFUL LAWYER: WE ARE ALL IN THIS TOGETHER

By Scott Rogers ▶ Special to the News ▶ Columns

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As mindfulness has become more richly infused into the fabric of the legal profession, a shift is taking place from a primary focus on the lawyer and members of the legal profession to the broader relational context to include clients and parties to a dispute. Such a shift raises interesting and important questions about the role of lawyers and of the profession itself, and may hold the promise for further enriching the effective resolution of disputes, taking into account both the utility and responsiveness of legal solutions and the wellbeing of participants to a dispute.

Two examples can be found here in Florida. Three years after the law firm Berger Singerman offered a mindfulness training program to its team members in 2013, it offered a follow up mindfulness training for the firm's team members and representatives of its clients. More recently, Paul Singerman has been invited to speak with lawyers and judges about the importance of client mental health and well-being and the role attorneys can play as part of their responsibility to offer comprehensive and competent legal representation. Mediator Patrick Russell, an attorney with Lydecker Diaz, has been integrating short mindfulness insights and practice moments in some of the mediations he conducts. He reports that the parties appreciate the periods for a structured pause and find the proceedings to be more focused and productive. Both Singerman and Russell have been practicing mindfulness for many years and explore these questions and share these practices from their own direct experience.

#### WE'RE ALL IN THIS TOGETHER

The August 2019 [“The Mindful Lawyer”](#) column addressed a paradox in which lawyers, charged with helping to shine the light of insight and awareness on legal matters to meaningfully resolve conflicts and help support a more orderly and less agitated society are finding themselves increasingly agitated and in search of greater stability, personally and professionally. Given the widening scope of the role of mindfulness and those with whom it may be shared, this column takes a quick look at some of the primary drivers of human behavior and their influence on the lawyer-client relationship. In doing so, it invites us to

reflect on the role of mindfulness — and a host of other approaches to well-being and resilience — in helping the lawyer establish a steady foundation upon which to be of assistance to the client across a variety of domains in keeping with our role of counselor at law.

## THE CLIENT

Clients become clients because they need our assistance, often amid circumstances of conflict and high emotion. A careful examination of the typical client under such circumstances reveals a pattern that can be helpful to reflect on: (1) they want something; (2) they are emotionally agitated; and (3) they are confused. While this is by no means the case with every client and cause, you likely need not look far to find a client and cause in which these conditions are met. Usually, clients want things like money, revenge, and justice. They may want to be heard, to have a role to play, to matter. And sometimes, they simply want an apology. Because they do not have what they want, and because pursuing it can be challenging, emotions run high and include anger, frustration, hopelessness, grief, loneliness, doubt, fear, and anxiety. And because clients rarely know all of the facts, rarely appreciate all perspectives, and rarely have access to the whole truth — or are unable to hear it, there is often confusion. Add to this confusion the ongoing state of wanting and emotional agitation, and the confusion grows, which in turn grows the agitation and the wanting. To find relief amid this intense and highly charged cycle, the client looks to you.

## THE COUNSELOR AT LAW

Some of the stress and intensity of practicing law — inherently a helping profession — comes from the emotional contagion of helping clients who are suffering in some of the ways explored above. Along their wants is for you to solve their problems, fix their mess, and be there for them when they call. . . or email or text or show up at your office. Moreover, their wanting, emotional agitation, and confusion are not the result of their being a client, but of their being a human being. Lawyers too are human beings. And what do we want? We want to be helpful and to win, fix, and resolve. We want to be trusted to do our job. And when we run into high demand and conflict, we can become angry, frustrated, sad, and feel alone, afraid, doubtful, anxious — and fatigued. And, notwithstanding our keen intellect and good intentions, we can become confused and make decisions and act in ways that are not always as helpful as we intended at the time.

## MINDFULNESS

Some of the attributes of a mindful lawyer — which we all possess from time to time — is a subject matter expertise coupled with qualities such as wisdom, focus, effective communication, empathy, patience, compassion, resolve, resilience, and the wholehearted embrace of the client and its cause. We each have our own complementary set of attributes, and you can modify this list to represent those ideals you aspire to model and the tone you wish to set and maintain throughout client representation. Of course, as aspirations, we will time and again, fall short in meeting them. Some of the reasons for this include the stuff of our own lives, the intensity of the workload, and the personalities with whom we interact.

The practice of mindfulness — the many forms it can take and its relationship to emotional intelligence, self-compassion, and self-care — is the primary subject of “The Mindful Lawyer” column and of a growing number of articles published in local, state, and national bar journals. These articles offer lawyers additional tools and insights to help them see more clearly what is arising during challenging times — often momentary states of wanting, emotional agitation, and confusion — so as to more skillfully navigate this terrain, in terms of their personal well-being and professional excellence. As counselors at law, we are looked to by our clients for help when they are in the worst of states, and we are not immune from feeling their pain, and being drawn into their dramas. It can be helpful to reflect, from time to time, on the wanting, emotional agitation, and confusion that our clients may be experiencing, just as it can be helpful to shine that light of awareness onto ourselves. To be a lawyer is to manage not only the challenges of our own busy and stressful life, but also the added layer of complexity brought on by our clients in need. Many professionals grapple with burnout, vicarious trauma, and compassion fatigue, and lawyers are no exception. Nor are our clients, who have their own professional and personal lives, which often are the foundation of their need for our help. And, like all helping professions, there are many ways we can be of service. As more lawyers appreciate the benefits of the study and practice of mindfulness, they will be increasingly likely to share them with others. To be self aware, empathic, and attuned to our client's needs carries with it the heightened responsibility to be able to offer assistance across a larger domain of concern. How we do this is for each of us to decide for ourselves. That we examine this question may be more crucial now than ever, and attending to it wisely may be helpful not only to our clients, but ourselves. After all, we are all in this together.

If you have a question about mindfulness and integrating it into the practice of law that you would like answered in this column, send it to [srogers@law.miami.edu](mailto:srogers@law.miami.edu).



*Scott Rogers, M.S., J.D., is a nationally recognized leader in the area of mindfulness in law and founded and directs the University of Miami School of Law's Mindfulness in Law Program where he teaches mindful ethics, mindful leadership, mindfulness and negotiation, and mindfulness in law. He is the creator of Jurisight, one of the first CLE programs in the country to integrate mindfulness and neuroscience and conducts workshops and presentations on the role of mindfulness in legal education and across the legal profession. He is author of the recently released, "**The Mindful Law Student: A Mindfulness in Law Practice Guide**," written for all audiences.*