



## FLORIDA BAR NEWS

# MINDFULNESS PRACTICE: OBSERVE THE MOMENT AS IT JUST IS

By Scott Rogers ▶ Special to the News ▶ Columns

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The practice of law is often in the service of justice. Justice for our clients, for a cause, for society. It may express itself in the outcomes of criminal matters, civil lawsuits, administrative rulings, and in the enactment and enforcement of laws and regulations. And while justice can take many forms, when realized *it inevitably establishes a measure of stability and clarity that helps to heal and elevate us all.*

As we survey the landscape of our experience at this time in our lives and consider the lives of so many in our local communities and across the world, the enormity of suffering and despair, anxiety and grief, confusion, and feelings of helplessness is palpable. At times such as these, many are especially inclined to (re)turn to mindfulness meditation — both to experience moments of calm and cultivate a more enduring stability of mind and body.

Developing a regular and satisfying mindfulness practice can be challenging, in part, because we are turning toward the very agitation we wish to ease. Without instruction in doing so, this can be very challenging as our instinct is to turn away. Commonly experienced impediments to practice include thoughts like “I can’t do this,” “This isn’t working” and “I don’t have the time;” feelings like frustration, disappointment, and boredom; and a restlessness and agitation in the body. Such thoughts, feelings, and sensations can be all the more agitating and destabilizing today, with the world seemingly turned upside down.

### THE POWER OF OBSERVATION

The various mindfulness practices take different objects as the focus of attention. But regardless of the object, a basic instruction is the same: *to observe what is arising as it is.* In practical terms, this means to observe the sensations of the breath (focused attention practice), or the sensations of different parts of the body (body scan practice), or to observe the arising and passing away of phenomena (open

monitoring practice). This primary instruction, and the skill that develops through practice, is applicable to all moments of life.

A keen insight, attributed to Victor Frankl, that is especially instructive today is:

*“Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom.”*

Mindfulness practice can help us to enlarge the space between a stimulus, be it a news article, a text message, or a comment by a family member, and how it affects us and what we do – our response. Surprising to many, the stimulus can also be a thought about the future or past, an image, or a feeling. One of the keys to holding open that space is to pause and observe what is arising, both around us, *and within us*. This is easier said than done, yet the benefits to our wellbeing, the wellbeing of others, and to the decisions we make can be profound.

## THE PURSUIT OF JUST IS

I believe there is a connection between the pursuit of justice in our legal practice, and the pursuit of observing the moment as it “just is” in our mindfulness practice, and lives, that is more than a creative play with words. For if we want to help the world become a better place, whether at the level of the fairness within our own homes, the lives of our clients, or the larger community, it is crucial that we are able to see things clearly as this helps to minimize the undue influence of preconceptions, bias, wishful thinking, assumptions, and the mind wandering that generates stories that are often untrue and unhelpful. These are some of the very same things that occupy our minds when we engage in a mindfulness practice.

The instructions for many mindfulness practices are relatively simple. You’ve likely heard the familiar refrain of one common practice to focus attention on an object, like the breath, and when you notice your mind wandering return attention to the breath. It is easy to see why a practice such as this might be useful for improving focus and reducing mind wandering, and why this, in turn, can help with the regulation of emotion.

But as many know, a few moments into this simple practice and a steady trickle, if not an outright barrage, of thoughts, feelings, and sensations emerges. Of course, this is the case all day long, but

because we are so often lost in mind wandering, and impulsively avoiding these thoughts, feelings, and sensations, we tend not to realize much of it. Taking a few moments to practice establishes an environment somewhat optimized to attend to them.

### A LIBERATING FORCE

As this is practiced, the observation of what is arising in the mind becomes a liberating force. To resist unpleasant thoughts, feelings, and sensations is to resist what already is arising. Even more, such resistance tends to exacerbate matters. Observing the moment as it just is steadies things, even if a little bit. And with practice, it steadies things a lot. You might find it helpful to silently note to yourself “it just is” when you find yourself lost in mind wandering and return attention to your breath.

So, the next time you set aside a little time to practice mindfulness — perhaps after reading this article or later today — form the intention to allow the moment to be as it just is. Notice the thoughts, feelings, and sensations that come and go as the transient phenomena that they just are. Observe the symphony of reactive impulses. Observe the story telling. And perhaps even observe yourself embracing the moment as it just is.

When you get up from your seat, there will be time enough to do and think all the things that may have been bubbling up during the period of practice. And, in time, you might just find that observing the moment as it just is *inevitably establishes a measure of stability and clarity that helps to heal and elevate us all.*

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.*