



FLORIDA BAR NEWS

THE MINDFUL LAWYER: BREATHING INTO CLARITY AND CALM

By Scott Rogers ▶ Special to the News ▶ Columns

September 21, 2020



People who practice mindfulness tend to fall into one of two camps. There are those who are interested in finding calm and those who are interested in finding clarity.

This is an overstatement, of course, and many land in both camps, but there tends to be a preference. What is yours? In this month's column, I'll share with you a short meditative exercise that explores both at the same time. While you may find

the exercise useful for cultivating greater calm or clarity, even more, it may deepen your understanding of the interesting symbiotic relationship between the two.

One factor that connects calm and clarity is attention. A stable attention is associated with less mind wandering and a steadier emotional state. Less mind wandering and emotional reactivity bodes well for attending to matters with greater clarity. A second factor that connects up calm and clarity is the breath. Some of the most useful and effective relaxation practices involve slowing down breathing. And, as you may know, some of the most popular mindfulness practices involve attending to the sensations of the breath. One casualty of this otherwise convenient (and not coincidental) overlap can be confusion when engaging in an exercise that involves the breath.

Attention and breathing also have something else in common that helps explain why they are so pivotal. Both can be intentionally controlled (at least for a few moments) and both can also operate without any oversight. Let's test this out:

1. Sit in an upright and comfortable posture.
2. Focus your attention on the number "2" that begins this sentence.
3. Take one slower deeper breath—a little slower, a little deeper.
4. Multiply 10 x 6.

You just manipulated your attention (looking at the "2") and your breath (slowing it). And then, as you calculated 60 in your head, both reverted to automatic functioning; conscious control over attention and

breathing dissipated in the flash of an instant. Your attention redirected and your breathing likely became shallower. As I have previously [written in this column](#), while attention likes to follow directions, it is a fickle and limited resource.

The exercise I share with you below is based on a breath practice, known as “Coherent Breathing,” that is associated with a range of health benefits. It involves slowing down the breath to about 5 cycles per minute — that’s about 6 seconds for each inhale and exhale, respectively. Because each of us is different, please find the count that feels right to you (not too fast, not too slow) and, as the manipulation of the breath can have powerful effects, always be good to yourself. Talking with your doctor about doing this type of exercise can make good sense.

To demonstrate in this column, I will apply a 5 second count, meaning breathing in for 5 seconds, and then breathing out for 5 seconds. If 5 seconds feels uncomfortably slow, adjust it so that it feels paced, but easeful. For example, you may wish to start with a count of 3 or 4 seconds and slowly build up from there. You can guesstimate the time by counting slowly to yourself or using a timepiece. Importantly, there is no major shift in breathing and you need not take a sharp inbreath to start. Rather it is the natural breath, slowed down.

Go ahead and do this for three cycles. If you’re looking at a timepiece, you’ll practice for about 30 seconds.

Inhale: 1....2....3....4....5....

Exhale: 6....7....8....9....10....

Inhale: 1....2....3....4....5....

Exhale: 6....7....8....9....10....

Inhale: 1....2....3....4....5....

Exhale: 6....7....8....9....10....

How did you find the experience? On balance, it will have a relaxing quality. In their book, “The Healing Power of the Breath,” and in workshops, Richard Brown, MD, and Patricia Gerbarg, MD, teach a range of breathing practices, including “Coherent Breathing” and recommend practicing it on a daily basis. You

can also buy and, on various music services, find a helpful audio called “Coherence” in which sounds (like a bell or ticking of a clock) cue the timed inhaling and exhaling. And, of course, you can make this this type of recording for yourself with the timing that works well for you.

If you are in the relaxation camp, you could stop here with this practice — or any of the many breathing practices that help achieve a state of greater calm. In fact, many who look to mindfulness as a relaxation practice and are disenchanted may find value in an exercise or meditation that is geared to relaxation as its primary objective. In his terrific new bestseller, “Breathe: The New Science of a Lost Art,” (yes, breathing is back!) James Nestor observes of mindfulness meditation:

A wealth of scientific research shows that meditation can change the structure and function of critical areas of the brain, help relieve anxieties, and boost focus and compassion. It can work wonders, but few of us will ever reap these rewards, because the vast majority of people who try to meditate will give up and move on.

As his observation suggests, many may turn away from this valuable practice because it’s not calming enough, or the fruits of practice are not immediately felt. While a breathing exercise geared toward relaxation, especially if practiced regularly, may have enduring effects, often they are short-lived and serve the immediate goal of feeling a little more relaxed — which of course can be immensely useful. Mindfulness practices tend to be associated with more enduring and a broader array of effects.

Let’s now turn to the second part of this exercise, which weaves in a little mindfulness. Many mindfulness trainings begin with a concentration practice that focuses attention on the breath. The exercise does not involve slowing down the breath; rather it involves *noticing the breath*. You may have experience with this type of practice where you rest attention on the sensations of the breath with the intention to stay with it and, when you noticed your mind wandering, you redirect attention back to the breath.

While the experience may be relaxing (owing to a more stable attention, less mind wandering, and connecting more fully to the breath), it could also be that it is not so relaxing as a busy mind, self-critical thoughts, and an antsy body predominate in one’s experience. From a relaxation perspective, it can be an utter failure. From a mindfulness perspective it’s a big win to be aware of one’s experience, whatever it entails, be it pleasant, unpleasant, or neutral. This is where some people become disenchanted. More

often than not they think (or hope) it will be relaxing and because a practice period was not so relaxing or was challenging to stay with, conclude either that it is not working for them or they can't do it. In fact, the mind did what the mind does, which is wander. And rather than notice the wandering with joy—like playing hide and seek—one tends to resist the experience and claw their way back to the breath. Of course, the breath never left. They just forgot about it for a few moments. The mindfulness insight is that the moment you realize that attention has wandered, you are no longer mind wandering. And that is a worthy endeavor and satisfying place to land.

So, what if we brought the two ways of relating to the breath together—*doing* something to slow the pacing of the breath and *being* attentive to the breath. Here's an example of how this might work for a three-minute practice.

1. Start a stopwatch or look at the second hand of a watch.
2. For a period of 30 seconds, inhale for 5 seconds and then exhale for 5 seconds.
3. After 30 seconds and for the next 30 seconds, stop manipulating the breath and keep your eye on the timer as your breath resumes its natural rhythm. (You can also count the next naturally flowing 7 breaths, as this tends to approximate 30 seconds).
4. When the timer marks the passage of a minute, start again by slowing the breath for 30 seconds, inhaling for 5 seconds followed by exhaling for 5 seconds.
5. After 30 seconds, as you did before, stop manipulating the breath and turn your attention to the clock, until it reaches 2 minutes.
6. Should your mind wander away from the time and you realize it, bring your attention back to the clock.
7. Repeat this for one more cycle. (Of course, you can continue this for as little or long as you'd like to practice—be it 2, 3, 5, or 10 minutes).

I think you may enjoy giving this a try for a few reasons. First, it is a concentration practice and will help develop a more stable attention and skill at noticing mind wandering. Second, it is a relaxation practice and will bring about a more relaxed state. And while it appears to shift between the two, the mindfulness aspect can run across the entire practice. After becoming familiar with the basic instruction, you can creatively play with the length of the intervals based on how you feel. Need a little more relaxation, focus

on the breath manipulation. Feeling a bit settled, extend the periods of concentration with less focus on slowing the breath. You can also replace the Coherent Breathing practice with one with which you are already familiar. Note: When you are looking at the clock or counting your breaths during the “mindfulness” part, your attention will likely shift back and forth between the count and the sensations of the breath. In both cases, you are concentrating your attention.

I hope that you find this month’s exercise to be a useful hybrid practice and one that will enrich your direct knowing of the faculty of attention, and of the role and influence of the breath in the cultivation of clarity and well-being. As an object lesson, allow it to deepen your understanding of the practices you are already doing, or are interested in doing, and stick with them! You may already have a keen sense of the utility of the breath through the practice of yoga. If you are interested in learning more about the power, effect, and science of breathing practices, you may also find of interest books like: “Breathe,” (Belisa Vranich); “The Oxygen Advantage,” (Patrick McKeown); “The Art of Breathing,” (Danny Penman); “Just Breathe,” (Dan Brule), and “Free Your Breath, Free Your Life” (Dennis Lewis).

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.



*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.*