

Friday, December 16, 2022

Mindfulness Beats Stress

Posted by: J. E. "Buddy" Stockwell on Nov 1, 2022

Journal Issue Date: NovDec 2022

Journal Name: Vol. 58 NO. 6

Back when I was actively practicing law, a lot of my time was focused on past events to determine what had already happened in a case, or else focused on predicting the future and taking litigation steps to be ready when it comes. As for the “present moment” each day, my cognitive bandwidth was fully consumed: filing deadlines, HR and payroll, billing, IOLTA, new cases and, of course, completing the trial or deposition du jour.

I knew nothing about mindfulness. No one talked about a meditation break during the day or a mental “off switch.” My view was that stress is to be expected, endured and ignored (i.e., “Suck it up, Buttercup!”).

These days, however, the profession is getting smarter. We now know that ignoring stress and self-care is not a winning strategy. Unmanaged stress has a direct, negative impact upon both our physiological and mental health. If unchecked, in the fullness of time it can kill some of us.

Mindfulness and meditation techniques effectively reduce stress and make it more manageable. Simply put, one does not have to suffer uninterrupted stress in the practice of law. By forming new habits and taking time to incorporate mindfulness breaks into their daily routine, legal professionals can reduce stress and become even more productive.

I always share the mindfulness lessons I learned personally and totally by accident, when I took a break from practicing law. In 2005 my wife, Melissa, and I sold our house, vehicles and my law practice and bought an ocean-rated catamaran and moved aboard full-time, sailing the seas. It was the adventure of a lifetime. We covered 19,000 nautical miles in six years.

I didn't realize it at the time, but as we set sail on our adventure, I brought a stowaway aboard: my Type-A lawyer "perfectionistic-get-it-done-at-all-cost" attitude that had been hammered into my very core via law school and my fast-paced solo law practice.

The results were interesting. Living aboard a sailing vessel and being on the move is not the totally carefree life people envision. Some of it is surely laid back and idyllic, of course, but it is also quite a challenge to maintain and operate a complex vessel full time in an often unpredictable and sometimes very dangerous environment.

I was still the perfectionistic lawyer and there were still lots of stressful situations, but there was a big difference: my time was predominantly directed at addressing tasks occurring spontaneously and in the present moment instead of a lot of time ruminating about the past or the future and being buried head-down in documents.

In fact, on an active seagoing vessel, things are often so demanding in the present moment that you literally can't think about anything except what is actually happening in real time. You have no choice but to be fully dedicated to the

present moment.

For example, at anchor you are awakened at 2 a.m. by a violent squall blowing through. For a split-second you envision that the high winds and seas will break the anchor free and crash your boat onto a reef 50 yards downwind. But you don't have time to worry about the tragedy of such a catastrophe. Instead, you jump out of the bunk into instant action securing the decks, starting engines, booting up the radar and navigation systems, and remaining operational on anchor and ready to instantly head to sea and escape the reef. Things can happen very fast. So you remain totally focused and on watch at the helm with "all systems go" as long as it takes for Mother Nature to relent.

Likewise, open ocean sailing on passages sometimes requires keen focus on operating the vessel and it can present unexpected challenges in the blink of an eye, day or night. It all happens in "The Now."

I did not realize it at first, but I was returning to a life predominantly based in the present moment. My lawyer habits of rumination were fading away. Living on a sailboat is the opposite of practicing law. Most of my waking hours were spent responding in real time to things in the present moment, interrupted only once in a while with time spent planning for the future and studying nautical charts and tide tables, etc. Also, as for analyzing the past, forget it! The past is miles behind us in our wake. Life was in the actual moment or else focused on the excitement of what lies ahead. There was a renewed freedom and fresh sense of optimism in all of that.

I even got better at flexibility and understanding what's really important in the moment. We were at anchor in the U.S. Virgin Islands one beautiful, totally calm morning (which is quite unusual in the trade winds). I had decided to service all three diesel engines (two that propel the vessel, plus a generator that keeps things humming). It takes a few hours to change fluids, oil and fuel filters, bleed fuel lines, replace water pump impellers, test everything and then clean it all shipshape and stow all waste and gear.

The sun was not quite high in the sky yet and I was getting ready to dive into the job. All the filters, fluids and tools were pulled out of storage and laid out and

organized. All the engine compartments were opened up and engine access made ready. I was just about to pick up a wrench and go for it all when Melissa called out from up on deck: “Wow! Look right there!” Not 30 yards from the boat was a bottlenose dolphin with its tiny, newborn calf swimming slowly around in the protected, crystal clear waters of the bay.

I was able to ignore my super-task-oriented-brain and look up and actually appreciate the whole present moment: the bay was spectacularly calm and there might never be a better day to play instead of work. At about that time, Melissa added: “Can’t you do all that work another day? Let’s go kayaking and go see the baby dolphin!”

In the old days, my lawyer brain would have tried hard to betray me: “You have already started a big job and you have work to finish; there will be other dolphins on other days; maybe we’ll kayak tomorrow.”

In the present moment on that day, however, I was actually able to let go. I instantly dropped the wrench, abandoned the work and within five minutes we were in the kayak. Soon after, we drifted quietly and within 20 feet of the mother dolphin and calf.

That day was a perfect jewel. We kayaked, snorkeled, swam and basked in it, along with the entirety of the wildlife that also recognized that special day. Above and below the surface of the sea, we were all tuned in. It was one of the most memorable days of our entire adventure. In the old days, my lawyer brain and work ethic could have cheated me out of it.

I know that as lawyers we have a lot of responsibilities and deadlines and can’t always just jettison a trial or deposition and take a “Ferris Bueller’s Day Off.” Having lived life on opposite ends of the spectrum, however, what I do know for sure is that even though law is a fast-paced pressure-cooker full of mandates, there can still be a middle ground for us lawyers if we make a concerted effort to see it. Lawyers can actually learn new tools and perspectives and use mindfulness techniques at least some of the time and reduce stress.

You don’t have to sail away to cultivate mindfulness. Instead, you can readily

learn about it and incorporate it into your life, regardless of your circumstances and despite your type of practice and how stress-laden it may be. Even small changes can make big differences.

Sounds easy, right? It's not. In truth, it's hard to make lasting changes in behavior, especially when it adds additional activities to an already overbooked calendar. Many of us need encouragement and support to develop better habits and then stick to them.

Whatever it takes, your health should always come first and time is of the essence. The Tennessee Bar Association's Well-Being Committee is doing a fantastic job of supporting attorney wellness. You can find its well-being resources online here: www.tba.org/?pg=Attorney-Wellbeing-Committee

At the Tennessee Lawyers Assistance Program (TLAP) you can also find information on work/life balance and "what makes lawyers happy" at www.tlap.org/balancing-practice-and-family

We are grateful to continue on this journey together to help our profession adopt and maintain better wellness habits. Reducing stress reduces the odds of developing serious problems with depression or substance use, etc., which in turn reduces the chances that any given lawyer or judge will eventually suffer health issues.

All that said, when well-being practices are not enough and you or a peer need professional mental health help, call TLAP! The call is free and confidential by law. Call us at 866-354-9334, email to tlap@tncourts.gov or see www.tlap.org. |||



BUDDY STOCKWELL was appointed by the Tennessee Supreme Court in July 2020 as executive director of the Tennessee Lawyers Assistance Program (TLAP). He comes from south Louisiana where he has been a volunteer and program monitor for the state's Committee on Alcohol and

Drug Abuse and the executive director of Louisiana's comprehensive Judges and Lawyers Assistance Program (JLAP) peer professionals' program. He is a certified clinical interventionist through "Love First" training at the Betty Ford

Center and has personally been in recovery from alcoholism for over 38 years.

Stockwell earned his law degree from LSU Law School in 1993. He practiced in both large and small firm settings, including a solo practice in Baton Rouge where he focused heavily on domestic litigation. Read more about him at tba.org/Stockwell.
