

# Better Lawyering Through Mindfulness: Increasing Focus and Productivity

by Jeena Cho

As lawyers, we generate income by selling our time for money. The more time we can spend focused on doing billable work, the more money we can earn. This article will address why practicing mindfulness can help you increase focus and productivity.

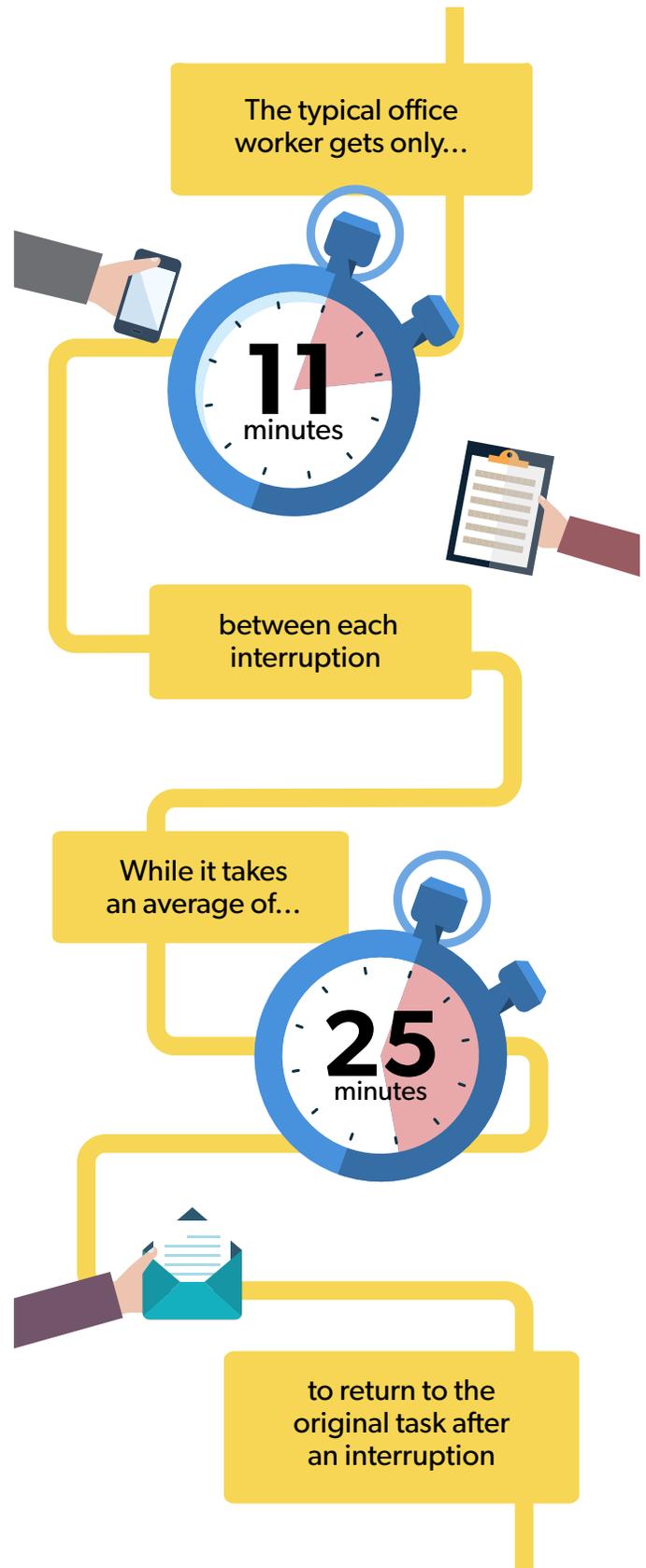
## Step 1: Understanding the Problem

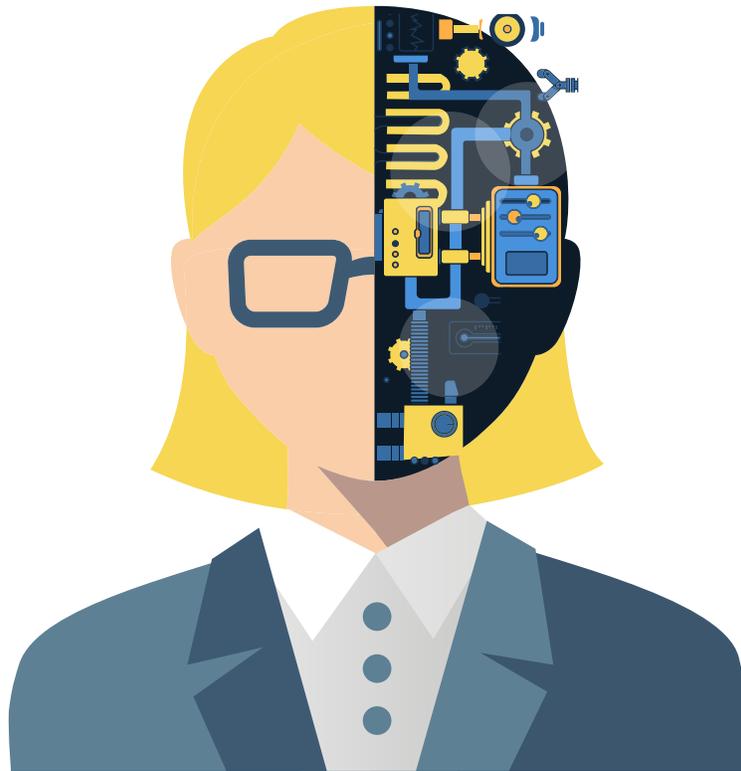
How often do you get caught up doing busy work, look up at the clock and realize it's already 3:00 PM? Do you find yourself falling behind on work that is really important that requires concentration and focus in exchange for work that feels important such as email?

Increasing productivity isn't merely about billing more hours. It's about increasing the quality of the hours, leading to fewer write-offs, more efficient work flow between team members, fewer fire drills, mistakes, less rigidity of thinking, and more satisfied clients. In order to do this, we need to work from a place of calm, clarity and ease instead of a place of panic, stress and anxiety.

According to a New York Times, May 3, 2013 article "Brain Interrupted," the "typical office worker gets only 11 minutes between each interruption, while it takes an average of 25 minutes to return to the original task after an interruption" It's difficult if not impossible to engage in the deep level thinking that is required for lawyers when we're faced with such regular interruptions.

Interruptions can come in many forms. It may be **external** such as the phone ringing, Outlook alerting you to a new email, your secretary knocking on your door. Or it can be **internal** such as having your mind wander off to that hearing you lost yesterday.





## Step 2: Know Your Distractions, Know Yourself

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The key to making any type of change is awareness. If you aren't aware of the things that are keeping you from remaining focused or being most productive at the office, you can't begin to look for solutions. I encourage you to think about your office time as a laboratory where you are studying all the ways in which you can increase focus and productivity.

As you go about your day, notice when you're distracted or interrupted. This can be when in the middle of writing a Motion for Summary Judgment, you hear the Outlook alert, or when you get that urge to check your Facebook status.

The idea is that when you begin to notice the distractions, you can begin to choose whether you're going to let the distractions pull you away from what you're working on.

Aside from distractions, another area that decreases productivity is procrastination. Recognizing when you're avoiding or procrastinating without giving yourself a hard time, without labeling yourself as bad, or feeling guilty about it is the first step in understanding the procrastination and changing it.

# Step 3: Understanding Mindfulness and How it Can Increase Focus and Productivity

Mindfulness means to *pay attention in a particular way without preference or judgment*. As Sharon Salzberg explains, when you're paying attention mindfully, you're "doing so in a certain way — with balance and equanimity, and without judgment. Mindfulness is the practice of paying attention in a way that creates space for insight."

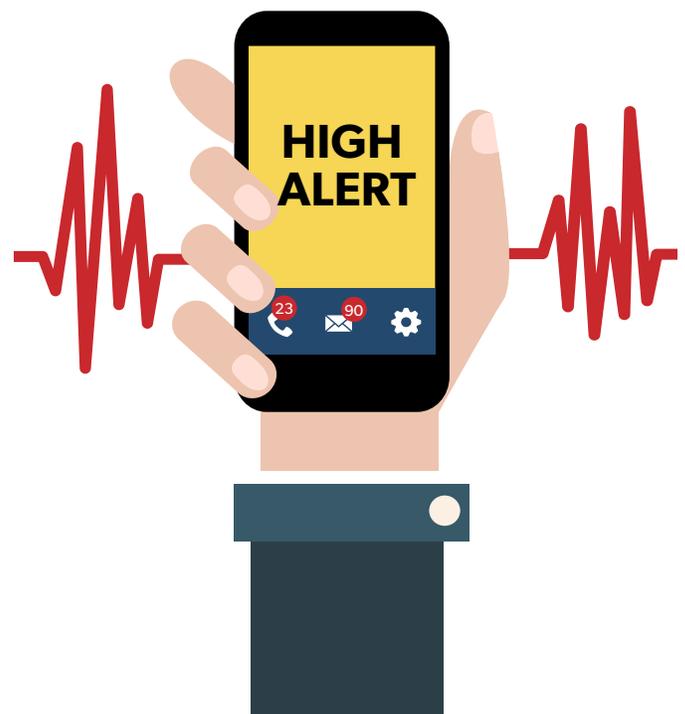
Let's start with an example. Imagine that you're sitting in your office and the phone rings. You look at the Caller ID and it's your least favorite opposing counsel. You know the type - the person that's always difficult to work with, the one that gets under your skin, the person you wish wasn't in your life. What is your default reaction? Do you answer the phone and say "now what do you want?" or maybe you choose not to answer. Now, let's slow down and examine what is happening both in your mind and body.

When you see the name pop up on the Caller ID, what do you notice in your body? Does your stomach tighten? Do your shoulders inch their way up to your ears? Are you breathing faster? Do your palms get sweaty? How about your mind? Does your mind start to race running through all the reasons why he might be calling, rehearsing your response, or perhaps thinking of all the annoying things he's done to you?

Much of what happens in our body when we're undergoing a stressful situation (such as your opposing counsel calling) is part of the Fight or Flight response. It's great for keeping you safe in case a saber-toothed tiger is chasing after you. However, it's not so useful when you're about to answer the phone.

A University of California Irvine study found that people who received a steady stream of messages stayed in a perpetual "high alert" mode with higher heart rates.

Those without constant email access did less multitasking and were less stressed because of it.





Now, let's look at this example through a mindfulness lense. The first part of mindfulness is to *pay attention*. This means simply noticing all the physical, emotional and psychological responses, *in a particular way*. It means to look at the situation with mental calmness or equanimity. It can also mean to look at the situation through the lens of your highest aspiration, such that you always approach each situation with dignity, respect, compassion, or whatever you aspire toward.

*Without preference* is referring to our mind's tendency to struggle against what is happening. You wish this opposing counsel wasn't calling. You wish you can change her. You wish she wasn't your opposing counsel. Letting go of our mind's preference to want this -- but not that, this is part of the mindfulness practice.

*Without judgment* means that you let go of your mind's natural tendency to label things as good or bad. Going back to the example, you probably hold judgments against your opposing counsel, and perhaps even towards yourself. You might tell yourself things like "stop being so weak!"

Mindfulness enable us to pay attention to what is happening and respond from our best selves.

Practicing mindfulness can increase focus and productivity because we are training our attention to be with what is instead of the story that we create. For example, if your secretary interrupts you while you're working on a Motion to Dismiss, you can either accept that the interruption already occurred and respond to the situation, then get back to work. You can also stay engaged in a long dialogue in your mind about how she's constantly interrupting you, or some other misgiving you have against her. Which is more conducive to focus and productivity? The answer is obvious.

When we're mindful, we're paying attention to the *now*. Instead of having your mind go off thinking about your opening statement at the trial as you draft the Complaint, you can put all of your attention to writing the Complaint (unless, of course, this actually aids you in drafting the Complaint). Instead of worrying about the opposing side's Motion to Dismiss, you can devote all of your attention to writing the Complaint.

Similarly, you can stay focused when you're spending time with your family and enjoying their company instead of worrying about all the work that's waiting for you at the office.

In other words, by definition, when you are being mindful, you are recognizing when you are engaging in unproductive or unfocused behavior (such as rumination, worrying, distraction) and redirecting your attention to the matter at hand.

## Step 4: Incorporating Mindfulness into Daily Life

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It's one thing to understand the benefits of mindfulness but another thing to experience those benefits for yourself. Often, lawyers tell me they don't have time to practice mindfulness or meditation. The good news is that you don't need to dedicate hours of your day to practice. You can do the practice anywhere, anytime. You don't need any special equipment.



As the constant noise in your mind starts to quiet, you'll notice that you have more spaciousness and your ability to focus will increase. This translates into more free time!

There are two ways to practice mindfulness. The formal practice is meditation. The informal practice is to intentionally practice being mindful throughout your day. Let's start with the formal practice.

### What Meditation Is (and Is Not)

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Meditation is a way to train the mind as well as a tool we can use for greater self-awareness. You can get to know the patterns of your mind. We all have certain scripts we play over and over in our mind. There are also many deeply rooted beliefs we have about ourselves and the world around us. When we meditate, we practice seeing ourselves and the world with more clarity and equanimity.

The great paradox of meditation practice is that meditation is the practice of *non-striving* and *non-doing*. Meaning, when you sit down to meditate, you aren't trying to relax, increase focus, concentration, or decrease distractions. These things may happen as a byproduct of meditation practice but you aren't striving for those things as you meditate.

Meditation is an ancient practice that can be found in both religious and spiritual practices. In every major religion, there is a practice of sitting in silence. However, you do not need to be religious to practice meditation. Similarly, you can practice meditation without leaving your religion or religious beliefs behind. We're using the practice of meditation as a training tool for the brain, not to further a particular ideology.



## How to Practice Meditation

You do not need to sit cross-legged, burn incense or chant to practice meditation (although you certainly can).

To meditate, do the following:

- 1 Find a comfortable seated position. You can use any chair that is comfortable to sit on. Adjust the height such that you can rest both feet firmly on the ground.
- 2 Close your eyes or softly gaze at a single spot 4-5 feet in front of you.
- 3 Find a place in your body where you can notice your breath. This can be your nostrils, the back of your throat, chest, or belly. Breath in and out.
- 4 When your attention wanders away from the breath, gently bring it back to the breath.

When you begin your meditation, you may be surprised at how difficult it is to anchor your mind on the breath. **The practice of meditation is not about clearing your mind of thoughts.** When you notice that your mind has wandered off, don't give yourself a hard time about it, waste time feeling guilty, or telling yourself that you're not "doing it right." Simply return your mind to the breath.

Meditation is a great way to take your internal temperature. Notice how you are feeling. Notice what is going on inside of you. Again, meditation does not mean you have a blank mind, experience relaxation, or have a laser focused mind. In meditation, we learn to be ourselves, as we are, without preference or judgment.

In the beginning, you may find it helpful to listen to a guided meditation.

The most important part of meditation is to practice daily. Just like physical exercise, we can't train our mind overnight. Also, have patience. You have many decades of your mind operating without any training so it's going to take sometime. Commit to daily practice, even if it's just a few minutes a day. Meditating for five minutes everyday is far more effective than meditating for an hour once a week.

## Informal Mindfulness Practice

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In informal practice, we bring mindfulness while doing ordinary, everyday activities. It's helpful to have a few activities you commit to doing with mindfulness in the beginning to get into the habit of it.

One great place to practice mindfulness is in the shower. How often have you gotten into the shower, on autopilot, thinking about the day ahead, or something that happened in the past? Consider for a moment that queens and kings throughout history have not enjoyed the luxury we take for granted everyday.

What if you could pause to enjoy the shower instead of having your mind completely distracted? Next time you're in the shower, pause to notice the temperature of the water, the sensation of having water run over your body, the smells of the shampoo, conditioner, and soap.

Other suggestions for practicing mindfulness throughout your day:

- **Start your day with gratitude.** What's the first thing that usually enters your mind when you open your eyes in the morning? Do you reach for your smartphone to check your email? Instead, spend a couple of seconds in gratitude. After all, each day is a precious gift and we never know how many more we'll have.
- **Mindful dishwashing.** We can practice mindfulness during activities we enjoy as well as activities we dislike. Simply pay attention to the sensations of doing the dishes - feeling of the soap against your hands, the water, the dish you're washing.
- **Mindful emailing.** Studies show that people suffer from email apnea, meaning you hold your breath when checking email. Before you check your email, pause and breath in and out three times. This is also a great practice before opening an email that you know is going to trigger you.
- **Mindful listening.** Our attention is perhaps the most precious gift we can offer another person. When you're speaking to someone, offer her your full attention. Before you interrupt, pause and see if can allow her to finish her thought.
- **Mindful driving.** Consider driving without music and simply notice what it's like to drive. If you're usually distracted - checking your phone, mind wandering off to different thoughts, or if driving brings out the worst in you, commit to paying attention to driving and nothing else.
- **Mindful sleeping.** If you suffer from insomnia, this is a very helpful tool. As you're going through your sleep rituals, washing your face, brushing your teeth, practice doing these activities with all of your attention. If your mind wanders off, bring it back to the activity. Also, shut off all screens, no TV, no iPhone, no monitor at least one hour before bedtime. Adopt a no-screen-in-the-bedroom policy and leave all digital devices out of it.

# Step 5: Quick Tips for Increasing Focus and Productivity

- 1 **Start with your priorities** - not someone else's. Do you spend your morning hours trapped in your Inbox? When you're responding to emails, you're allowing other people to set priorities for you. Carve out no-email time in the morning when you're most productive to do work that requires focus.
- 2 **Set your intention the night before.** Before you go to bed at night, set your intention to do whatever it is you want to accomplish the next morning. It's helpful to have reminders, such as placing the file you need to work on in the morning on the desk before you leave for the day. If your intention is to meditate each morning, consider putting a sticky note on your bathroom mirror reminding you to meditate.
- 3 **Identify. Prototype. Test. Rinse. Repeat.** This idea is borrowed from Design Thinking. Identify the thing that makes you unproductive. This can be anything from constantly checking Facebook or Twitter to your secretary interrupting you every 20 minutes. Come up with "prototypes" or potential solutions and try your ideas as quickly as possible. The idea isn't to get it right or to do it perfectly. It's all about experimentation. Test your theories. Gather data - what worked, what didn't, what could be improved?

One attorney shared that she was constantly getting distracted by staff needing her attention. In order to reduce interruption to her work flow, she put a timer on her office door. When she needed a block of time to work, she would set the timer. This let whoever visited her office to see that this was her "no distraction" time and also knew when they should come back.

Think creatively and have fun!



The average office worker loses up to

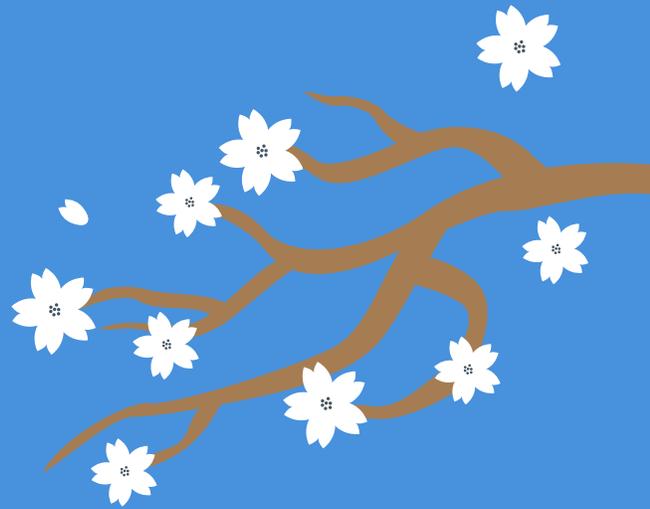
**546 HOURS**



- 4 **Shut off bells and whistles.** Things that pop up on our desktop or makes noise pulls us away from what we're focusing on. Consider turning off auto-notifications on your computer as well as your smartphone.
- 5 **More fun. More play.** Lots of research shows that fun, play, relaxation and rest are key components for us to perform at our peak. You could be at the office for 16 hours but there is a point of diminishing returns. We can't constantly be on. We can't constantly be connected. Consider practicing digital sabbath where you have no device time.

Finally, remember that having a healthy mind and body is key for being able to perform at your peak. Prioritize wellness and self-care because without a healthy mind and body, you can't be an effective attorney.

Jeena Cho is a partner at JC Law Group PC, a bankruptcy law firm in San Francisco, and the author of the forthcoming book *The Anxious Lawyer*. In addition to her law practice, she teaches mindfulness and meditation to lawyers. She regularly speaks and writes about wellness, self-care and mindfulness. She also works with lawyers and law firms on stress management, work-life balance, career transition, increasing productivity and overall wellness.



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