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## Why mindfulness practice can make lawyers better at conflict resolution

**M**indfulness suddenly seems to be everywhere. Time magazine described mindfulness as a revolution and, now, even the staid world of law is beginning to embrace it. For example, Kirkland & Ellis LLP is offering training for all of its U.S. lawyers after piloting a program that includes mindfulness meditation in its Chicago office.

Lawyers like evidence and the number of scientific studies now documenting the benefits of mindfulness practice to the human brain is eroding former skepticism. Science is also showing that these benefits are achievable without spending much time practicing — another big plus for busy lawyers.

Of course, there is nothing new about mindfulness practice. It has been used by millions of people for at least 2,000 years. Nearly every culture and religion has, in the words of Dr. Daniel Siegel, author of "Mindsight: The New Science of Personal Transformation," "developed some form of practice that harnesses the power of mindfulness to cultivate well-being."

Mindfulness meditation practice is about controlling your attention during the moment at hand. It typically involves paying attention to your body and your breathing, and, as your mind wanders to a thought, worry, memory or feeling, taking note of it in a self-compassionate and non-judgmental way and returning awareness to your breathing.

Mindfulness meditation may include sitting still and counting breaths, or more elaborate practices such as yoga, tai chi, qigong and a variety of spiritual practices.

One obvious application of mindfulness practice for lawyers is in improving conflict resolution skills. Here are five reasons why mindfulness can make lawyers better at resolving conflict:

### Lawyers need to be wise.

Lawyers need to be wise to help their clients make good decisions during negotiations. Mindfulness meditation actually strengthens key regions of the brain, just like exercising at the gym strengthens muscles.

Scientists have confirmed in recent years that our brains can grow new neurons and make new connections throughout our lives. They have also shown using an fMRI brain scanner that how you focus the attention of your mind can actually shape the activity and structure of your brain.

Jon Kabat-Zinn, internationally recognized mindfulness expert and author of "Full Catastrophe Living," points out that researchers at Harvard University and Massachusetts General Hospital found that eight weeks of a particular kind of mindfulness training known as mindfulness based stress reduction, or MBSR, leads to thickening of a number of different regions of the brain important to good decision-making.

The study involved 35.5 hours of class time with 45-minute daily practices, but other studies have found improvements with just 12 or even three to five minutes a day.

### Lawyers need to remain calm when under attack.

The Harvard and Massachusetts General Hospital study also found that MBSR leads to thinning of gray matter of the amygdala — the region deep in the primitive part of the brain involved in emotional reactivity and fear.

The amygdala is responsible for appraising and reacting to perceived threats, and as social threats are perceived by the amygdala in the same way as physical threats, lawyers are frequently in danger of having an aggravating opposing counsel push them into being dominated by the "reptile" part of their own brains.

As described by Siegel, threat can result in an explosive emo-

### BEYOND DISPUTE



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tional reaction as the limbic and brainstem layers of the brain take over. However, with mindfulness practice we can train our minds to use the prefrontal cortex, located behind the forehead, to calm the amygdala.

A story Siegel tells about his clinical practice provides an excellent way to imagine this process. After Siegel had explained how the primitive brain works to one his young patients, she announced, "I'm trying to get my prefrontal cortex to squirt GABA-goo over my amygdala."

GABA is gamma-aminobutyric acid, a neurotransmitter that plays an important role in the prefrontal inhibition of subcortical firing and "she had imagined it as a kind of gel to soothe the primitive brain eruptions."

It is helpful to realize that just by noticing your own emotional reaction, you are squirting GABA-goo on your amygdala and can remain strategic in the heat of the moment.

### Practicing law is stressful and many lawyers suffer from addiction problems.

Lawyers are stressed and have one of the highest rates of alcohol abuse. Mindfulness reduces stress. In fact, mindfulness is so good at reducing stress that it has been

shown to improve medical conditions related to stress such as psoriasis. According to Kabat-Zinn, researchers at the University of Wisconsin have shown that people trained in MBSR get less inflammation.

In the study scientists purposely induced blisters on the skin of the subjects and those who had MBSR training got smaller blisters. They had rewired their own brains to handle even physical stress better. Mindfulness has also been shown to reduce substance abuse.

### Lawyers need good memories.

Mindfulness meditation improves working memory as well as the ability to avoid distraction. Amishi Jha of the University of Pennsylvania has shown in experiments that even very short periods of practice, as little as 12 minutes a day, are associated with significant improvements.

### Seeing the other side's perspective is a critical skill.

Skilled negotiators know that taking into account your negotiation counterparts' perspectives, including their interests and best alternative to a negotiated agreement, is critical to a successful and durable resolution to a dispute. Mindfulness practice has also been shown to strengthen the parts of the brain involved in perspective taking.

There are many other reasons that mindfulness meditation is beneficial, including improvements in sleep, anxiety, depression, eating disorders, chronic pain and athletic performance. Perhaps you are not quite ready to take a class or buy a book, but you can get started immediately in strengthening your prefrontal cortex.

The next time you are in a discovery dispute, plant your feet on the floor, sit up straight and notice your breathing for a few minutes before you hit send on that e-mail. (You might find you want to edit it a bit, too.)