

IN SIGHT for Oregon Lawyers and Judges

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MINDFUL SELF-COMPASSION AND THE PRACTICE OF LAW

I know a lot of lawyers will think, “Self-compassion? Isn’t that for weaklings?” It is precisely this thinking that makes our profession suffer so much. Thanks to a recent study by the ABA and Hazelden, we now have empirical evidence of how the stress of the legal profession affects us.

Wouldn’t it be great if the act of honing and refining mental processes through higher education led to being free of the stress caused by fight-or-flight reactions? Sadly, even lawyers are not free of the evolutionary biology of our species. The ability to calm oneself or respond with mindfulness is crucial to staying present and acting with all of our faculties instead of reacting without thought.

Luckily, thanks to our prefrontal cortex, we also possess the ability to notice what our reactions are (mindfulness) and employ skills that activate the contentment and safety system when we need it (self-compassion). It is this ability to pause between stimulus and response that allows us to gather our faculties and represent clients more fully and completely, while also managing our own stress.

Rapidly expanding research demonstrates that self-compassion is strongly associated with emotional well-being; less anxiety, depression, and stress; maintenance of healthy habits such as diet and exercise; and satisfying personal relationships. Being self-compassionate is also a proven antidote to interrupt negative and judgmental thinking.

Modern responses to our own reactivity: Fight, flight, or freeze

● **Fight:** Employing self-kindness instead of self-criticism or judgment.

Our evolutionary biology predisposes us to think negatively about a lot of things, including ourselves. In order to survive, we had to be hard-wired to expect the worst from the world. Instead of thinking positive happy thoughts about the unknown, we had to be ready to run. The mind’s tendency to expect the worst helped us survive in the past, but today causes us to be flooded with hormones that prevent us from thinking clearly.

In addition, the mind’s tendency to expect the worst is also turned against ourselves. When things go wrong, we think, “How stupid was that?” and experience anger at ourselves. This tendency toward negative self-judgment causes additional shame, self-blame, and other reactions that are neither useful nor healthy because they increase the stress response cycle discussed above (including lashing out at others). How easy is it to carefully and logically evaluate a client’s needs when your system is flooded with stress hormones?

Treating ourselves with kindness when we notice this cycle has been triggered can help us activate the contentment-safety regulation system. This alleviates the suffering and soothes and comforts us when we are in emotional pain, rather than heaping more suffering on ourselves. By utilizing mindful self-compassion (MSC), we can increase our resilience.

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- **Flight:** Remembering common humanity instead of isolating.

Many times when we are under stress, our response is to try to “go it alone” and isolate or to view ourselves as isolated from others. We see our suffering and pain as abnormal and unlike what others go through.

Recognizing that we are part of the larger human experience allows us to connect with our own humanity and recognize that others feel suffering just as we do. We are not alone and we are not abnormal. This recognition allows us to normalize what we are feeling and thinking.

- **Freeze:** Employing mindfulness rather than over-identifying.

When we go into freeze, our body reacts as if the situation we’ve imagined is actually happening. We can identify psychologically with the reality that exists only in our mind and get carried away with this story line. This is called over-identification.

Mindfulness allows us to interrupt this cycle by noticing what is actually happening in the moment rather than what we think is happening.

Applicability to legal practice

The ability to respond to stimuli in a measured way is key to self-management in stressful situations.

Employing self-compassion goes right to the heart of the issue and defuses it – rather than trying to “white-knuckle” our way through a problem. The problem will not go away, but our own capacity for resilience and thoughtful response increases.

Studies show that self-compassionate people are more able to learn from their mistakes, demonstrate accountability and resilience, and exhibit authenticity in conflict. Self-compassionate lawyers might therefore be more likely to have compassionate and clear conversations with clients, be accountable in their dealings, and experience improved client relationships.

Research also suggests that self-compassion helps reduce the stress and pain of perfectionism (related to self-criticism), which affects so many attorneys.

Some of the research into mindful self-compassion shows that self-compassionate people:

- Are more likely to engage in healthy perspective-taking (What is really going on in a situation? Are there other ways to look at it?);
- Are better able to cope with difficult situations such as crisis, trauma, divorce, or chronic pain;
- Tend to be more caring and supportive in romantic relationships, are better able to compromise, and are more compassionate toward others;

Stress Response	Stress Response Turned Inward	Mindful Self-Compassion Response
Fight	Self-Criticism – the tendency to blame ourselves in a harsh or critical manner.	Self-Kindness – responding to feelings of pain with kindness and soothing.
Flight	Self-Isolation – the tendency to see our problems as unique: “No one else ever has this happen to them.” In this way, we see ourselves as abnormal and problematic.	Common Humanity – remembering we are neither alone nor abnormal and that all people have similar worries and problems.
Freeze	Self-Absorption Leading to Over-Identification – Self-absorption is obsessing about our own actions. Over-identification is when we become so wrapped up in emotional reactions that reality is left far, far behind.	Mindfulness – noticing without judging or attaching to what our mind is doing.

- Are more likely to engage in healthy behaviors such as exercise, eating well, drinking less, and going to the doctor regularly;

- Are more likely to take personal responsibility for their actions, and more likely to apologize if they have offended someone; and

- Are less fearful of failure because they don't beat themselves up when they do fail.

These research findings have applicability not only to attorney-client and professional relationships but also to one's own relationship with oneself. If we are kinder and more compassionate to ourselves, we find ourselves being able to be kinder and more compassionate to others. Think how happy you'll make your family and your legal assistant.

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