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2022 Consumer Practice Extravaganza

Using Yoga and Mindfulness to Assist Your Legal Practice

Hon. Colleen A. Brown

U.S. Bankruptcy Court (D. Vt.); Burlington


Jeena Cho

Lawyer, Author, Mindfulness Instructor; San Francisco

Rachel L. Foley

Foley Law, PC; Independence, Mo.







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2020 CONSUMER CREDIT ACT

WELL-BEING




Which is your reality?





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It was a lightbulb moment when the ABA and our profession as a whole stopped ignoring the fact that we cannot be effective lawyers if we are constantly pushed to the brink of no return.

We MUST comply with Rule 1.1 by being competent and the first step is to keep our well-being in check.



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ABA TASK FORCE ON WELL-BEING

The National Task Force on Lawyer Well-Being's [2017 report](#) shined a spotlight on evidence that too many lawyers face mental health and substance use disorders or otherwise aren't thriving. Wanting to support the effort to catalyze positive change, American Bar Association President Hilarie Bass formed a Presidential Working Group to Advance Well-Being in the Legal Profession in September 2017. Its focus is on helping legal employers support healthy work environments, which are critical for lawyer wellness. Research shows that if workplace cultures support well-being, lawyers will be better able to make good choices that allow them to thrive and be their best for clients, colleagues, and work organizations.



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N E X T R A V A G A N Z A

In 2020:

45,979 people
died by suicide
in the United States.

That is 1 death
every 11 minutes.

- ➔ 12.2 million adults seriously thought about suicide
- ➔ 3.2 million adults made a plan
- ➔ 1.2 million adults attempted suicide

Per CDC



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**Lawyers are 3.6 times more
likely to suffer from
depression than non-lawyers.**

**Krill, Patrick R. JD, LL.M.; Johnson, Ryan MA; Albert, Linda MSSW. The Prevalence of Substance Use
and Other Mental Health Concerns Among American Attorneys. Journal of Addiction Medicine:
January/February 2016 - Volume 10 - Issue 1 - p 46-52**

doi-10.1097/ADM.0000000000000182



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When focusing solely on the volume and frequency of alcohol consumed, more than 1 in 3 practicing attorneys are problem drinkers, the study found.

**Krill, Patrick R. JD, LL.M.; Johnson, Ryan MA; Albert, Linda MSSW. The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys. Journal of Addiction Medicine: January/February 2016 - Volume 10 - Issue 1 - p 46-52
doi: 10.1097/ADM.0000000000000182**



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Yoga is a somatic form of meditation.

- Instead of focusing on the mind, we focus on the body
- The goal is not to force the body into any position
- Rather, in yoga, we invite the body to move into certain positions and then let go of where we are holding on, so the pose can unfold



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Muscle Memory ... in Reverse

- The way yoga teaches the mind is analogous to the way muscle memory works
- Instead of your body retaining the instructions from your brain, and being able to ski or ride a bike without your brain having to give the body specific instructions each time ...



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Muscle Teaching Mind

- The mind learns from your body, the attributes the body manifests as it develops a yoga practice
- The lessons your body learns in yoga infuse the mind with skills and attributes – w/o conscious effort



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Today's 3-part Presentation

1. What is the “yoga mindset” we seek?
2. A (simple) yoga pose experiment
3. Practical tips to help maintain the yoga mindset



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The Yoga Mindset Attributes

- Letting go
- Being curious (a/k/a having a “not-knowing” mind)
- Holding conflicting positions simultaneously



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More Yoga Mindset Attributes

- Knowing where you – and all the parts of your body – are in space
- Noticing what is happening in this moment
- Kind and patient self-correction



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Practical Tip #1 – Extract Emotion from Movement

- if you are running late, move a bit more quickly ... **but don't hurry**
- hurrying is the mindset of stress, increased heart rate, and distraction ; it's the emotions taking control of movement
- You will not get there any sooner by hurrying; you will just be more hassled and stressed on arrival



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Practical Tip #2 - Breathe

- When stress or distraction start to take over, come back to your breath ... to right now, to right here, in this moment
- A gentle, deep inhale, followed by a long and thorough exhale will oxygenate and allow you to start fresh
- This will also allow you to **respond** to the client, opposing counsel or judge in a **reasoned and calm way** ... rather than **reacting emotionally**



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Practical Tip #3 – Know where you are

- Whether you are with a client, in a courtroom, brushing your teeth, or doing dishes, ...
- **Know where you are in space – all of you**
- Where are your feet? What are your hands doing? Are you clenching muscles?
- If you notice tightness, let it go ... if you notice odd limb placement, move it ... notice the difference it makes



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Practical Tip #4 – Prioritize Your Alignment

- Bring your attention to your alignment whenever you can
- Align your shoulders to be above your ribcage and pelvis, align your knees directly above your ankles, with both feet flat on the floor, and center your head above your shoulders,



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More on Alignment

- Every time you start an email or phone call, lift your chest and roll your shoulder blades down your back
- Good alignment allows you to breathe - and think - better



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Practical Tip #5 – Hold Two Opposing Positions at Once

- In yoga, part of the body presses down while another lifts up
- Likewise, to take in the whole person or situation before you, it is critical to be able to hold what may appear to be conflicting ideas or characteristic



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Tip #5 – The Value of the Bigger (Yoga) View

- People can be kind & untrustworthy; situations can be very hard or unpleasant while also very instructive
- Can we see all of it? Can we take that in?
- Yoga helps us to hold both, so we comprehend a fuller, more comprehensive view, to respond with more nuance



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Practical Tip #6 – Be Kind & Patient to Yourself

- Yoga is complicated and there are many instructions one must take in, and then incorporate into the body, to get a pose right.; we will all struggle
- If you learn to acknowledge your yoga struggles gently, and redirect your attention to your body, rather than to beating yourself up, you will advance in your yoga practice and build correct and strong muscle memory



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Be Kind to Yourself - in Yoga , So it Infuses Your Life

- If you can learn to be kind to yourself in yoga, it starts to come naturally in life
- It's not self-indulgent to be kind to yourself – it's smart

Faculty

Hon. Colleen A. Brown is a U.S. Bankruptcy Judge for the District of Vermont in Burlington, appointed on April 10, 2000, and reappointed to a second 14-year term in October 2014. She also served a term as Chief Judge. Previously, Judge Brown was a partner in the law firm of Lawrence, Werner, Kesselring, Swartout & Brown, LLP, where her practice focused on bankruptcy, both debtors' and creditors' rights, foreclosures, workouts and matrimonial bankruptcy issues. She also clerked for Hon. Beryl E. McGuire, Chief U.S. Bankruptcy Judge for the Western District of New York, as the estate administrator in that court; as the Assistant U.S. Trustee for the Western District of New York; and as in-house counsel to The Canandaigua National Bank and Trust Co. Since being appointed to the bench, Judge Brown has served as a member of the Vermont Bar Association's Professionalism Roundtable and has chaired the Federal-State Law Council for the District of Vermont, Vermont's first Rule of Law Conference and the Federal Judges' Committee of the National Association of Women Judges. She has been very active in the National Conference of Bankruptcy Judges, including as the Second Circuit representative to the Board of Governors, a member of two NCBJ Education Committees, chair of the NCBJ's U.S. Trustee Liaison Committee, chair of the NCBJ's Liaison Committee to the National Association of Women Judges, and chair of the NCBJ President's Special Task Force for Cost Containment. Judge Brown is an author for *Collier on Bankruptcy* (15th ed. revised) and an associate editor for the *American Bankruptcy Law Journal*, and frequently lectures on consumer and farm bankruptcy law. She received the New York State Bar Association's President's Pro Bono Service Award in 1992 and the Vermont Bar Association's Pro Bono Service Award in 2006. Judge Brown received a B.A. *cum laude* with honors in philosophy from Colgate University in 1979 and her J.D. *cum laude* from the University of Buffalo Law School in 1983.

Jeena Cho is a lawyer, author and mindfulness instructor in San Francisco and a co-author of the best-selling book *The Anxious Lawyer, An 8-Week Guide to a Joyful and Satisfying Law Practice Through Mindfulness and Meditation* (ABA). She started her career as an assistant state attorney at the State Attorney's Office 13th Judicial Circuit, where she handled domestic violence and misdemeanor cases. During that time, she tried more than 20 jury trials and hundreds of bench trials. Wanting to make a greater impact, she switched practice areas and started a consumer bankruptcy law practice in San Francisco. Ms. Cho teaches mindfulness and meditation to lawyers. She regularly speaks and writes about wellness, self-care and mindfulness, and she works with lawyers and law firms on stress management, work/life balance, career transition, increasing productivity and overall wellness. Ms. Cho started her meditation practice at the Himalayan Institute in Buffalo, N.Y., and has completed several classes in mindfulness and compassion cultivation training at a number of institutions, including Stanford University. In addition, she has attended numerous retreats on mindfulness at organizations such as the Spirit Rock, Insight Retreat Center and the San Francisco Zen Center. She has completed the teacher training practicum for Mindfulness-Based Stress Reduction (MBSR). Ms. Cho is a regular contributor to the *ABA Journal* and has written for *Above the Law*, *Forbes*, *Bloomberg*, *Lawyerist*, *Ms. JD* and *Huffington Post*. She's been interviewed on *O, Women's Health*, MSNBC and the *Wall Street Journal*. Ms. Cho is the author of the LexisNexis guide *How to Manage Your Law Office*, in which she wrote about starting, growing and managing a solo practice, with topics ranging from marketing to virtual law practice to social media. She received both her B.A. and J.D. from the University of New York at Buffalo.

Rachel L. Foley is the founder of Foley Law, PC in Independence, Mo., and handles consumer chapter 7s and 13s in both Kansas and Missouri. She began her bankruptcy career with the United Auto Workers, representing GM and Ford employees in chapter 13 and 7 cases. She was the only bankruptcy attorney for the Missouri auto workers, and it was not unusual for her to manage three to four times the regular attorney caseload at any given time. Ms. Foley previously was a risk manager for Clarkson Regional Health Center and has 20 years of experience in the emergency room as a Registered Respiratory Therapist. She is the inaugural winner of the K. Colleen Nunnally Award by the National Association of Consumer Bankruptcy Attorneys and is recognized by her peers as being the Best of the Kansas City Bar in the area of bankruptcy. She also has been named to the Pro Bono Wall of Fame by the Missouri Bar Association. Ms. Foley frequently speaks nationally and locally on consumer bankruptcy topics. She is a member of the National Association of Consumer Bankruptcy Attorneys, ABI, the Kansas City Bankruptcy Bar Association, the Kansas City Metro Bar Association and the International Women's Restructuring & Insolvency Confederation. Ms. Foley received her undergraduate degree in the sciences and medicine from Creighton University and her J.D. from Creighton School of Law.