

Mindfulness for the Court Community

Frequently Asked Questions¹

1. What is mindfulness?

Definitions of mindfulness abound in the literature.¹ Many are similar to that offered by psychologist Shauna Shapiro: “the awareness that arises out of intentionally attending in an open and discerning way to whatever is arising in the present moment.”² Mindfulness is both a skill and a set of practices to strengthen the skill. It is a natural capacity that everyone has to some extent and one that can be developed further with practice.³

It is also important to note what mindfulness is *not*.

- Mindfulness is not a religion. While mindfulness has its roots in contemplative practices that go back thousands of years and are found in virtually every spiritual tradition; mindfulness itself is not a religion and it does not require that you give up or adopt any particular belief system.
- Mindfulness is not about avoiding your thoughts or feelings. Attending in an open and discerning way includes attending to your thoughts and emotions. Becoming mindful of our thoughts and our thinking patterns helps to steady the mind and keeps our thoughts from running the show. Mindfulness can also help you to become more aware of your emotions and how transient they are when we actually pay attention to them. And it can help illuminate that space between the stimulus and the response so that we can respond instead of react.
- Mindfulness will not eliminate the stress in your life. Stressful things will still happen, but mindfulness can increase your capacity to manage and cope with stress.
- Finally, mindfulness is simple – it is just paying attention, with an open and curious attitude to what is happening right now. However, simple does not equal easy. For many of us, deliberately paying attention to our thoughts and emotions without allowing our minds to wander is quite challenging.

2. Why practice mindfulness?

A study by Harvard psychologists Matthew Killingsworth and Daniel Gilbert concluded that mind wandering “appears to be the brain’s default mode of operation.” Nearly 47% of the

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time, we are thinking about the past or the future. Yet, we are most happy when we are focused on the present.⁴

Mindfulness is one way to combat our mind wandering mode. It helps orient, stabilize, and sustain attention.⁵ Practitioners of mindfulness exhibit less reactivity to emotional stimuli and greater self-regulation: “By fostering awareness of automatic operations and habitual behaviors (i.e., experiential processing), mindfulness provides a degree of choicefulness over whether to allow the automatic responses to run or to consciously regulate behavior in the service of more adaptive outcomes.”⁶

Based on their review of research on mindfulness in organizations, Dr. Kathleen Sutcliffe and her colleagues identify several benefits, such as enhanced job performance, less susceptibility to cognitive biases, cognitive flexibility, creative problem solving, compassionate behavior, reduced stress and emotional exhaustion, and increased job satisfaction.⁷ Janice Marturano, former deputy general counsel at General Mills and author of *Finding the Space to Lead*, notes that mindfulness helps leaders and professionals focus, see clearly, be creative, and act with compassion.⁸

3. How do I learn to practice mindfulness?

There are many in-person and online programs to help you develop your mindfulness skills. Some resources are free, and some require a fee. Many medical centers, universities, and other educational facilities offer mindfulness programs or may have referrals to programs offered locally. Many programs are based on the 8-week Mindfulness-Based Stress Reduction (MBSR) program developed by Jon Kabat-Zinn over 40 years ago. However, the growing interest in mindfulness has led to a proliferation of other programs that vary in focus, length, and format. In addition, several apps are available that offer guided meditations that you can use at any time of the day.

The National Center for State Courts recently offered a mindfulness program for those who work in and with courts using the free Healthy Minds app in addition to weekly webinar sessions provided by a certified mindfulness instructor. All materials and recorded webinars associated with this program are available free of charge.⁹ The National Judicial College offers an in-person program for judges.¹⁰ Warrior One’s wake-up call offers a free, weekly, live, 20-minute, online mindfulness session for lawyers.¹¹ The Mindfulness in Law Society also offers virtual sits and other programs targeted to those in the legal profession.¹²

4. How do I begin?

Beginning a mindfulness program is like starting an exercise program. You could begin by taking a brief daily walk, downloading an app to guide you through various exercises, join a gym, take a class, and/or work with a personal coach. What’s important is finding an activity and an approach that works for you, so you will return to it on a regular basis.

Some people opt to start a mindfulness practice by joining a formal mindfulness program where they immerse themselves in learning about and practicing various types of

meditation (e.g., focusing on an anchor like the breath, sound, or body sensations; scanning the body for sensations; offering loving kindness to yourself and others; mindful movement; mindful journaling). Others prefer to download an app and explore one or two mindfulness practices at their own convenience. Attachment A provides tips for beginning a mindfulness meditation practice, and Attachment B offers examples of brief mindfulness practices you can incorporate into your day. Both were prepared by a certified mindfulness instructor and former court professional.

5. How long does it take to work?

As with physical exercise, benefits accrue as you practice. Even brief practices can have short-term benefits on reducing mind wandering, improving working memory capacity, and performance. Attachment C identifies some of the benefits research has demonstrated that come with sustained practice.

Endnotes

¹ See, for example.:

- Khoury, B., Knauper, B., Pagnini, F., Trent, N., Chiesa, A., & Carriere, K. (2017). Embodied mindfulness. *Mindfulness*, 8(5), 1160-1171. <https://doi.org/10.1007/s12671-017-0700-7>
- Mesmer-Magnus, J., Manapragada, A., Viswesvaran, C., & Allen, J. W. (2017). Trait mindfulness at work: A meta-analysis of the personal and professional correlates of trait mindfulness. *Human Performance*, 30(2-3), 79-98. <https://doi.org/10.1080/08959285.2017.1307842>
- Sutcliffe, K. M., Vogus, T. J., & Dane, E. (2016). Mindfulness in organizations: A cross-level review. *Annual Review of Organizational Psychology and Organizational Behavior*, 3, 55-81. <https://doi.org/10.1146/annurev-orgpsych-041015-062531>

² Shapiro, S. L. (2009). The integration of mindfulness and psychology. *Journal of Clinical Psychology*, 65(6), 555-560. <https://doi.org/10.1002/jclp.20602>.

³ The Mindful Initiative Private Sector Workgroup. (2016). *Building the case for mindfulness in the workplace*. <http://www.themindfulnessinitiative.org.uk/publications/building-the-case>

⁴ Killingsworth, M. A. & Gilbert, D. T. (2010). A wandering mind is an unhappy mind. *Science*, 330, 932. <https://doi.org/10.1126/science.1192439>.

⁵ Good, D. J., Lyddy, C. J., Glomb, T. M., Bono, J. E., Brown, K. W., Duffy, M. K., Baer, R. A., Brewer, J. A., & Lazar, S. W. (2016). Contemplating mindfulness at work: An integrative review. *Journal of Management*, 42, 114-142. <https://doi.org/10.1177/0149206315617003>

⁶ *Ibid.*, p. 8. See also, Mrazek, M. D., Franklin, M. S., Phillips, D. T., Baird, B., & Schoole, J.W. (2016). Mindfulness training improves working memory capacity and GRE performance while reducing mind wandering. *Psychological Science*, 24, 776-78. <https://doi.org/10.1177/0956797612459659>

⁷ See Sutcliffe et al. in endnote 1.

⁸ Marturano, J. (2014). *Finding the space to lead: A practical guide to mindful leadership*. New York: Bloomsbury Press.

⁹ For general information about the program, see <https://www.ncsc.org/consulting-and-research/areas-of-expertise/court-leadership/mindfulness/mindfulness-program>. The instructions for the mindfulness education program are available at <https://perma.cc/6PSW-PA22>, and the suggested curriculum using the Healthy Minds App is available at <https://perma.cc/N9J4-V66R>. The recorded webinar sessions are available on the Vimeo platform at <https://vimeo.com/showcase/9644785>.

¹⁰ Access the National Judicial College course catalog at <https://www.judges.org/courses/>.

¹¹ See <https://warriorone.com/wake-up-call/> for information on the Wake Up Call.

¹² See resources available from the Mindfulness in Law Society at <https://www.mindfulnessinlawsociety.org/virtual-sits>.

Attachment A

Mindfulness Meditation Practice Tips¹

Remember:

- Mindfulness is simple but not easy. It takes practice and support can be helpful. There are an abundance of free meditation apps, online offerings, and groups to help support your practice.
- Intention (i.e., why are you doing this?) and a kind and curious attitude are important.
- Regular practice, even a few minutes a day, is beneficial.

Practice Guidelines:

- **When, Where and for How Long:** You can meditate any time of the day or night that works for you. If possible, try to find a place where you can sit uninterrupted for 10-30 minutes each day. While consistency is important, remember that you can always start again.
- **POSTURE:** There is no “magic” posture. It is helpful, however, to find a posture that allows you to be upright, relaxed and alert. Most people sit while meditating but you may also stand or lie down with your arms by your sides. Sitting is often most comfortable when the thighs and knees are below the hips with the spine following its natural curves. You might imagine the vertebrae stacked like coins from bottom to top. As you sit, the head rests easily on the neck, the back of the neck lengthens, and the chin is slightly tucked, the shoulders are relaxed and down and the hands may rest on the thighs, or gently one hand inside the other on your lap. Once you are settled in, allow the brow to soften and the face to relax.
- **Anchor:** The mind naturally wanders. Having an anchor gives us something to return to when we are pulled away from our present experience and helps steady the mind. Typical anchors include the breath, sound, or the body (e.g. the hands, feet, touch points, or even the whole body).

Common Challenges:

- **Busy Mind:** A busy mind is normal and does not mean that you are not “getting it” or “doing it right.” Each time you recognize that your mind has wandered you simply begin again. This recognition is a moment of awareness. That said, if you find it difficult to settle the mind it can be helpful to give the mind something to focus on.

You might, with a *very light* touch experiment with one of the following:

- Silently whisper “in” on the inhale and “out” on the exhale.
- Silently count 1 on the inhale and 1 on the exhale up to the number 10 and start again.

¹ This document was prepared by Deborah Dungan, a certified mindfulness instructor and former court professional, in 2022 as a resource for the National Center for State Courts’ Mindful Courts project.

- Silently whisper “peace” on the inhale and “ease” on the exhale (or any other words that resonate with you); or
- Breathe in slowly to a count of 4 or 5, pause and then breathe out slowly for a count of 4 or 5. Try this three or four times and then let your breath return to its normal rhythm.

- **Uncomfortable Body Sensations:**

Experiment with:

- Naming the sensation (e.g., ache, heat, or even “sensation”).
- Bringing kind attention to the sensation.
- Gently breathing into the sensation and noticing how it changes.
- Letting the sensation float in awareness by shifting your attention to other parts of the body.
- Noticing any thoughts and emotions that might accompany the sensation.

Remember there is no need to tough it out. If you are experiencing pain and it becomes too much, shift the awareness back to the anchor, mindfully adjust your position, or do whatever is necessary to take care of yourself.

- **Difficult Emotions:**

Experiment with:

- Naming the emotion (e.g. anger, frustration, irritation).
- Noticing any physical sensations related to the emotion.
- Noticing any thoughts related to the emotion.
- Bringing kindness to the emotion.

Metta Practice (Compassion Practice)

- Call to mind someone you care about.
- Wish them well by repeating the following phrases (or any phrases that work for you):
 - May you be filled with love and kindness
 - May you be well
 - May you be safe and free from harm
 - May you be happy
 - May you be peaceful and at ease.
- Then practice wishing others:
 - those you feel neutral about,
 - those you find difficult or challenging,
 - and yourself
 well by repeating the same or similar phrases.
- The phrases become your anchor.
- It is o.k. if this feels forced, silly, cheesy, or hokey – just note that and continue repeating the phrases. It gets easier over time.

Attachment B

Selected Mindfulness Practices to Incorporate in Your Day¹

STOP²

- Stop what you are doing.
- Take a breath and focus on the sensation of breathing.
- Observe what you are thinking, feeling, and experiencing.
- Proceed with new awareness.

Five Fingered Breathing:³ Find a comfortable way to sit. Hold one hand in front of you and spread your fingers. Now slowly trace the outside of your hand with the index finger on your other hand. Breathe in when you trace up a finger and breathe out when you trace down the finger. When you get to the end – reverse directions and do it again.

Come To Your Senses: Close your eyes and take a few deep breaths. As you allow your breath to return to its normal rhythm bring your attention to your senses. What do you hear? What do you smell? What do you feel? (E.g., your feet on the floor, the breeze on your face). What do you taste? Gently open your eyes and notice what you see.

Orienting:⁴ Take a few deep breaths. With your eyes open – look straight ahead. As you look straight ahead, notice what is happening in this moment. What you hear, how you feel, what you like what you dislike, what you are thinking. Just noticing. Then look over your left shoulder, use your neck and your hips to turn and look over your left shoulder. Next, come back to the center and look up and then down. Now, come back to the center and again, using your neck and your hips, turn and look over your right shoulder. Return to center and notice what is different.

Touchpoints: Take a few deep breaths. Notice how it feels to breathe and where you feel your breath. Bring your attention to your feet and feel the sensations of your feet on the floor. Then bring the attention to your seat and feel the sensations of your sit bones and bottom on the chair. Notice the sensations of your back where it connects with the chair. Finally, bring the awareness to the hands as they rest on your thighs or one inside the other and notice any sensations there.

¹ This document was prepared by Deborah Dungan, a certified mindfulness instructor and former court professional, in 2022 as a resource for the National Center for State Courts' Mindful Courts project.

² Stahl, R., & Goldstein, E. (2010). *A Mindfulness Based Stress-Reduction Workbook*. Oakland, CA: New Harbor Publications.

³ See video by Dr. Judson Brewer of the Brown University Mindfulness Center at <https://youtu.be/5QVqMaWrP-s>.

⁴ See June 3rd 2020 *On Being* podcast interview with Resmaa Menakem at <https://onbeing.org/blog/race-and-healing-body-practice/>.

Body Scan: Take a few deep breaths. Beginning at the top of your head or at your feet gently and slowly scan your body from end to end. Noticing sensations and breathing into any areas of tension.

Get Curious: Practice actively noticing new things. For example, two new things on your drive/commute to work; three new things about the walk into your office; or five new things about a co-worker (or your spouse/partner!).

Pause: Pause and bring your attention to the breath, the sensations in your hands or the sensations in your body before getting out of your car; before picking up the phone when it rings; before hitting send on an email; while you are waiting for your computer to reboot; during a meeting . . . (you get the idea).

Soft Belly Breathing: Take a few deep breaths. Focus the awareness on the rising and falling of the abdomen. You may want to place one or both hands on your belly if that is helpful. Notice the sensations of each in breath and each out breath in the belly. Allow the breath to soften the muscles, tissues, the flesh in the belly – dissolving any tension. Let the breath breathe itself in a softening belly.

Mindful Communication:

- *Mindful listening*-bring your attention to what the other person is saying, don't interrupt, think about your response, or evaluate the content.
- *Mindful speaking* – before speaking WAIT. Ask yourself, “**why am I talking**” and consider if what you are about to say is true, kind, useful, and necessary.


Take in the Good:⁵ Take a moment to savor positive experiences.

- *Notice* when an experience is positive – when something feels good and let yourself feel it.
- *Savor* the experience for 5, 10, or 20 seconds. Keep your attention on it so it lingers, let it fill your body with positive sensations and emotions.
- *Soak* it in - intend and sense that the positive experience is soaking into you like water into a sponge.

⁵ Hanson, R. (2009). Taking in the good practice. *Greater Good Science Center Magazine* available at https://greatergood.berkeley.edu/article/item/taking_in_the_good.

Attachment C

Dosage and Benefits of Meditation¹

State	Trait	
		
Novices (some benefits accrue after just hours/days/weeks of practice)	Long-Term Meditators (approximately 1,000 practice hours)	Olympic-Level Yogis (average of 27,000 practice hours)
<ul style="list-style-type: none"> • Less amygdala reactivity to stress • Improvements in attention <ul style="list-style-type: none"> ○ Better focus ○ Less mind-wandering ○ Improved working memory • Inflammation markers lessen • Compassion meditation results in increased connectivity of circuitry for empathy 	<ul style="list-style-type: none"> • Brain & hormonal indicators <ul style="list-style-type: none"> ○ Lowered reactivity to stress ○ Lessened inflammation ○ Strengthening of prefrontal circuits for managing distress ○ Lower levels of cortisol signaling less reactivity to stresses in general • Improvements in attention <ul style="list-style-type: none"> ○ Stronger selective attention ○ Decreased attentional blink ○ Greater ease in sustaining attention ○ Heightened readiness to respond to whatever comes ○ Less mind-wandering • Fewer self-obsessed thoughts leads to weakening of circuitry for attachment • Slower breath rate indicating slowing metabolic rate • Daylong retreat enhances immune system; signs of meditative states during sleep • Compassion meditation results in greater neural attunement with those suffering and more likelihood to help 	<ul style="list-style-type: none"> • Large gamma waves in synchrony among brain regions (a pattern not observed in others) and is observed at rest for most experienced yogis • Brains seem to age more slowly compared to others of same age • Ability to stop and start meditative states in seconds • Effortlessness in meditation • Pain reaction <ul style="list-style-type: none"> ○ Little sign of anticipatory anxiety ○ Short, intense reaction to pain itself ○ Rapid recovery • Brain states at rest resemble brain states of others while meditating • Compassion meditation results in coupling of brain and heart not seen in others

¹ Table based on pp. 273-274 from Goleman, D., & Davidson, R. J. (2017). *Altered states: Science reveals how meditation changes your mind, brain, and body*. New York: Penguin Random House.