

*The Orange County Bar Association
Covid-19 Task Force and OCBA Lawyer Well-Being Committee Present*

MINDFULNESS AND COMPETENCY: Thriving in Uncertain Times

Friday, May 1, 2020



Speaker

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Attorney, Mediator, Privacy Expert, Radio Host, Author

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Moderator

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OCBA Lawyer Well-Being

Mindfulness and Competency: Thriving in Uncertain Times



Live Webinar By Zoom

Friday, May 1, 2020

12:00 PM

Orange County Bar Association

Mari J. Frank, & the OC Bar are certified providers of MCLE credits and certify that this activity has been approved for 1.00 MCLE Competence Issues credits by the State Bar of California



Presented by:

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A photograph of a sunset over a mountain range. The sky is filled with soft, colorful clouds in shades of orange, pink, and blue. The mountains are silhouetted against the bright sky. In the foreground, there are dark evergreen trees.

Mindfulness is finding
acceptance for what is here right
now.

Mari Frank, Esq., CIP

Mediator, Professor, Author, Radio Host

Mari Frank is an attorney/mediator, Certified Privacy Expert, Certified MCLE Trainer for the State Bar of California, and has taught Negotiation and Mediation at the University of California, Irvine, conflict management at Brandman University, and Negotiations at Western State College of Law.

She's been practicing law and mediation for 35 years. She chaired the first mediation committee of the State Bar of California's Standing Committee on Legal Services. She is a select panel member of the Orange County Superior Court Civil Mediation Panel, and she serves on the OC Superior Court Mediation Judicial Committee. She mediates fee disputes for the OC Bar.

She has been featured on Dateline, NBC, CBS, and the O'Reilly Factor, and hosted her own PBS TV Special. She's the author of the textbook, *"Negotiation Breakthroughs,"* and she's co-authored, *"Stepping Stones to Success,"* and *"Fighting for Love."*

Mari has written dozens of published articles on Negotiation and Mediation. She has been the host of two radio shows on KUCI 88.9 FM in Irvine since 2005.

Learn more at www.MariFrank.com & www.conflicthealing.com



What are the objectives of this webinar?

- ✓ Practice mindfulness in times of uncertainty
- ✓ Assess our own mindfulness under stress
- ✓ Practice awareness of our mental state
- ✓ Use mindfulness to improve our competency
- ✓ Use mindfulness to enhance our lives



*All conflict comes
from within*
- Martin Buber

How has the Corona Virus Situation Affected You?

Type one word to express your emotion?

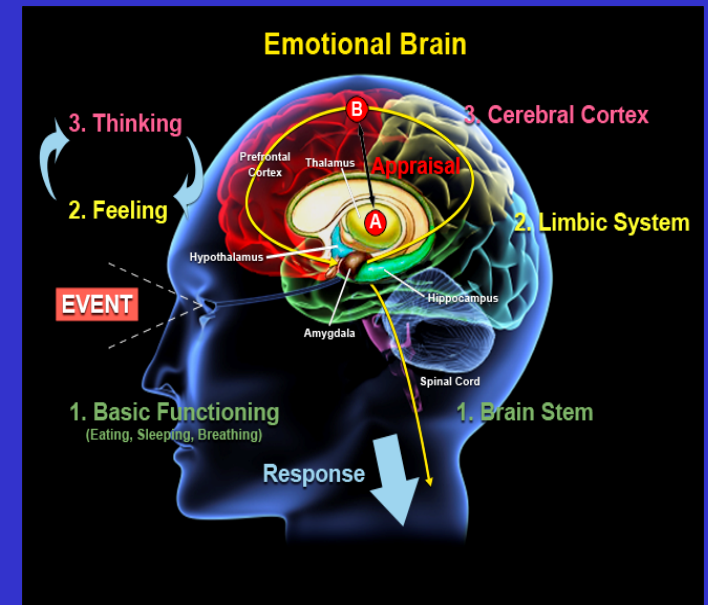
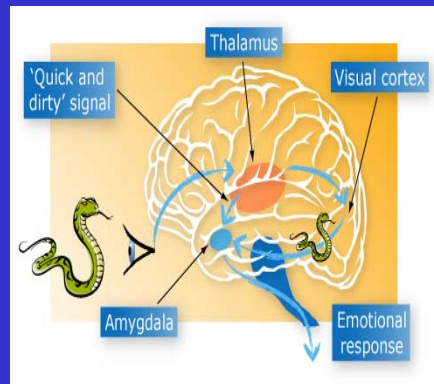


How does our emotional brain make it a challenge to be mindful during stressful times?

- ✓ **Fear – (False Expectation Appears Real), fight/flight**
- ✓ **Anger – Aggression, hostility**
- ✓ **Sadness – Grief, depression**

Our 3 Brains

1. **Reptilian**
2. **Mammalian**
3. **Modern Thinking**



What is mindfulness?



- M — Moment to moment attention & awareness**
- I — Insight into the present**
- N — Non-judgmental attitude**
- D — Detachment from negative reactions, emotions**
- F — Forgiveness of self and others**
- U — Understanding emotions at a deep level**
- L — Listening with total focus**

What are the aspects of Mindfulness?

- **Conscious Awareness**
- **A Mind/Body Practice**



What are the mental and physical benefits of Mindfulness?



- ✓ **Overcome stress (University of Massachusetts Medical School)**
- ✓ **Cultivate healthy habits that lead to weight loss (Journal Emotion,)**
- ✓ **Decrease your risk of heart attack (The Stroke Journal)**
- ✓ **Help overcome anxiety, depression, anger and confusion (Psychosomatic Medicine,)**
- ✓ **Decrease perception of pain and improve cognitive processing (Wake Forest University School of Medicine,)**
- ✓ **Increase your focus and attention (University of Wisconsin-Madison,)**
- ✓ **Improve your sex life and increase your libido (The Journal of Sexual Medicine)**
- ✓ **Increase the size of your most important organ – your brain! (Harvard University Gazette,)**



How do we assess our own *mindlessness*?

Do any of these happen to you?

- ✓ **Ruminate about the past? (could have/should have)**
- ✓ **Constant worrying about the future?**
- ✓ **React negatively or emotionally –knee jerk reaction.**
- ✓ **Fail to notice subtle feelings of physical discomfort, pain, tension etc.**
- ✓ **Listen to someone with one ear while multitasking or texting.**
- ✓ **Eat without being aware of what you are eating.**
- ✓ **You are run on autopilot- i.e.: driving to a familiar place**
- ✓ **Distract yourself with things like alcohol, video games, drugs, work?**



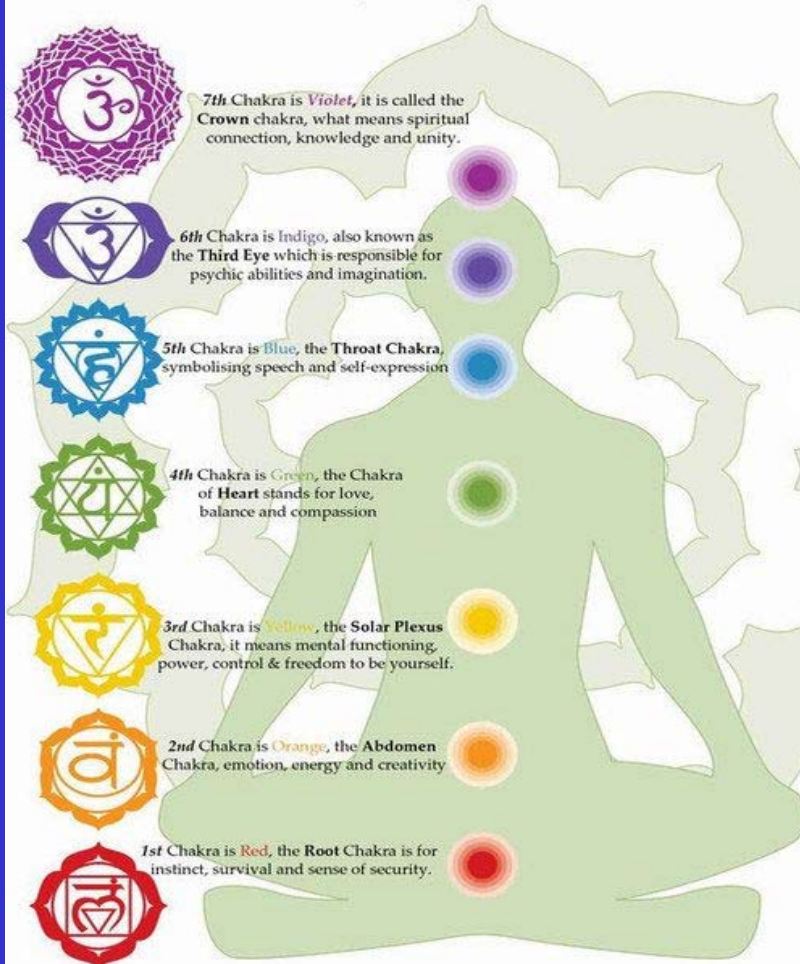
Let's practice a *mindfulness* meditation to align our body and mind.



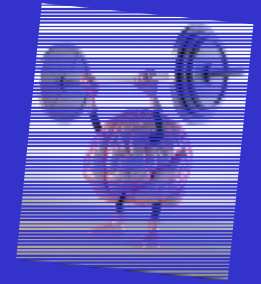
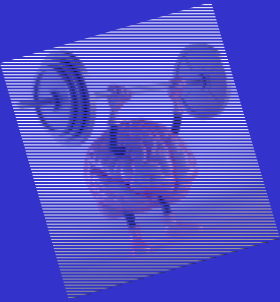
"Everything is energy and that is all there is to it. Match the frequency of the reality you want and you cannot help but get that reality. It can be no other way. This is not philosophy. This is physics"

~Albert Einstein~

Chakras is a Sanskrit word meaning wheels or circles which are connected to 7 different energy levels in human body symbolising 7 colours of rainbow. These Chakras function as valves that either let energy in or out. It is believed that Chakras regulate all functions of our body, mind and spirit.



Let's practice awareness mindfulness



Commence each with a slow mindful breath:

- ✓ **What do you see around you? Describe one item in a few words (color, texture, size)**
- ✓ **What do you feel right now? Describe in one word your emotional state.**



How can we use mindfulness in our practice in the midst of a challenge?

Remember a situation with a difficult client, opposing counsel, or a family member when you became angry or fearful, or sad.

Close your eyes and scan your body from the top of your head to your toes.

What is your body feeling?

- **Where and what do you feel?**
- **Breathe 3 slow breaths into those areas**
- **Anything change? - Y or N?**



How can we be mindful in our practice and personally ?

Intention and attention to :

- ✓ Breathing, going within when feeling stressed
- ✓ Expressing slow, calm energy. yawning
- ✓ Observing, managing our own emotions
- ✓ Accepting what is when beyond our control
- ✓ Refraining from complaining
- ✓ Sharing an attitude of gratitude
- ✓ Listening without judgment
- ✓ Asking for what we want- not what we don't want!!!
- ✓ Pausing, Plugging in, Proceeding – 3 Ps



TAKE A BREAK!!



Short exercises you can do during the day to help you relax and be more mindful (10 – 60 seconds)

- Take 10 seconds to enjoy your drink (coffee, tea, water) with no distractions.
- Take 30 seconds to close your eyes and rest while working on computer.
- Take 45 seconds to stand and stretch your legs.
- Take 60 seconds to focus on your breathing



How do you know when you are mindful?

- You are conscious of your thoughts as an observer
- You eliminate ruminating about the past
- You stop worrying about the future –plan instead
- You are present in your relationships
- You refrain from multitasking
- You recognize your emotions, pause/plug in/proceed
- You are positive and hopeful for the future



This
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How can you avoid RAIN on your sunshine?



R- Recognize your emotion/ feeling, name it

A- Allow it without resisting

I- Investigate where it is in your body, why the feeling?

N- Nurture it with slow deep breaths, tell yourself :

i.e.: its not about you, consider the source, its not worth it

MINDFULNESS RESOURCES

“The Six-Minute Solution: A Mindfulness Primer for Lawyer,” by Scott L. Rogers

“Wherever You Go, There You Are: Mindfulness Meditation in Everyday Life” by Jon Kabat-Zinn

“Practicing Mindfulness: 75 Essential Meditations to Reduce Stress, Improve Mental Health, and Find Peace in the Everyday,” by Matthew Socklov

“The Little Book of Mindfulness: 10 Minutes A Day To Less Stress, More Peace,” By Patricia Collard

“I Am Peace: A Book of Mindfulness,” by Susan Verde

“Mindfulness: An Eight-Week Plan for Finding Peace in a Frantic World,” by Dr. Danny Penman

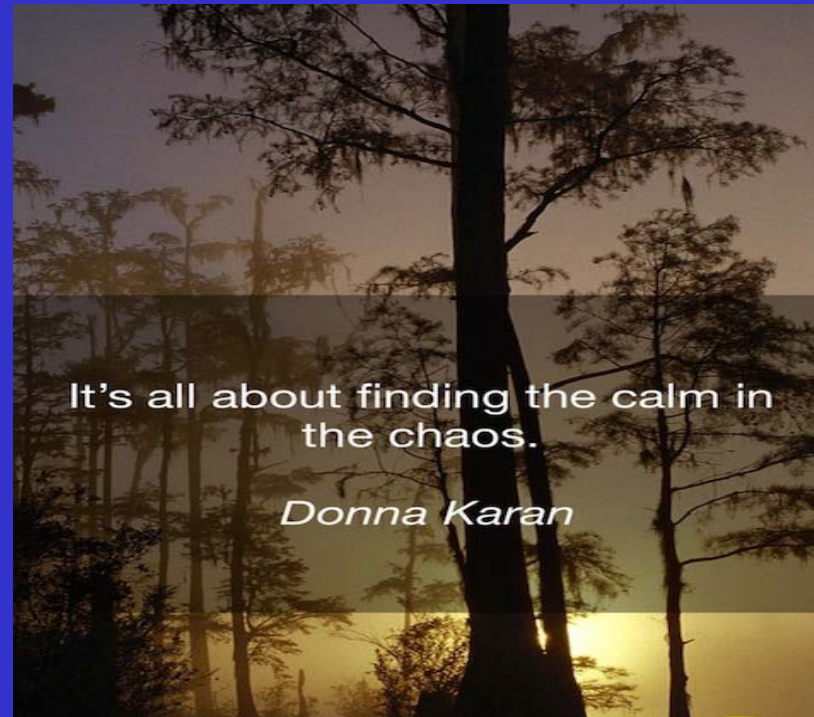
Free Apps:

- Insight Timer
- Headspace
- Calm
- Aura
- Stop, Think, Breathe



“You must live in the present, launch yourself on every wave, find your eternity in each moment. “

--Henry David Thoreau



*It's all about finding the calm in
the chaos.*

Donna Karan

Thank you for your participation

Questions? Or contact Mari at Mari@MariFrank.com



LPMT E-NEWS

news updates from the law practice management and technology section



Competency and Mindfulness in Your Law Practice

By Mari Frank, Esq. CIPP

No one can deny that lawyers have a demanding vocation. Most of what we do involves dealing with high conflict disputes involving adversaries. Even if we serve as neutrals, we may be considered challengers by parties involved the cases. We have been taught to analyze the past and strategize for the future. So it can be difficult for us to stay totally aware and be in the present. With the need to be totally updated about our clients and cases, we often subject ourselves to information overload with data bombardment from our tethered electronic devices. No wonder we are often stressed!

We can decide to make changes in our approach to life to lower our stress levels. Resolutions to eat healthier and exercise help, but to become more effective, gain greater clarity, and improve our consciousness and relationships, practicing mindfulness provides more dramatic transformations. Mindfulness is the act of being completely aware, fully awake, and staying conscious of the present moment. When practicing mindfulness, we are open and receptive to what is happening without judgment, or thoughts of the past or future.

Mindfulness allows us to be where we are and focus only on what is presently happening. We become observers of our emotions, feelings, and thoughts. Mindfulness also involves acceptance of what is happening (whether we like it or not) as we tune into what we're sensing. It gives us time to think through how we wish to proceed. If we are angry but mindful, we won't immediately react in the fight or flight mode emanating from our reptilian brain. To respond from our higher self, we consciously direct our mind to become aware of our breathing, our thoughts and emotions before we respond to a frustrating or hostile situation. We can use our mammalian brain to let go of rehashing the past challenges or imagining a negative future.

Right now- stop and remember a time that you were totally focused on the moment without extraneous thoughts. Perhaps you were skiing, zip-lining, surfing, holding your newborn, mesmerized by a movie, or watching an exciting football or basketball game. We know what it feels like to be absolutely absorbed in the present moment, but how often do we pay attention to what we are doing during our normal day?

Consider practicing mindfulness. There are several studies (available from the author upon request) that provide reasons to practice mindfulness.

The following are some easy ways to start practicing mindfulness:

1. **Start your day earlier to engage in mindful breathing**

Set your alarm 15 minutes early and get up, go to the bathroom. Then find a quiet

comfortable chair for at least 10 minutes, just pay attention to your breathing. If a thought comes in, let it go and re-focus on your breathing. Set a gentle timer on your smart phone so you don't have to worry about time. Finally when the timer goes off, take a final deep breath and let it out, stretch and tell yourself that this will be a great day. You may wish to do this again before you go to sleep, telling yourself that you will have a restful night.

2. **Practice being aware of simple habits**

Each morning be completely mindful of at least one habit you do as you get ready for your day. For example when brushing your teeth, feel the toothbrush massaging our teeth and gums, notice the taste of the tooth paste, watch the faces you make in the mirror while brushing. Or drinking your coffee slowly, consider the taste, the temperature, the color, the buzz you may feel! Pay attention to every physical act feeling our body and staying focused as you engage in a simple daily action.

3. **Really listen to your family, friends and clients, opposing counsel and others**

Look into the eyes of whomever you are conversing. If you are on the phone, close your eyes or at least abstain from multitasking. Listen to each word and focus on what they are saying intently enough so that you can repeat back exactly what they have said in active listening you mirror positively what you heard. (i.e.: I heard you say that you had a tough day with your client because.....). Stop yourself from judging, preparing to respond, or thinking of your own challenges. Be present- it is a gift to those who are speaking. It shows respect and will enhance your relationship. Further it helps you better understand what you need to know-especially if speaking with new clients or opposing counsel.

4. **Savor your food, your environment**

As you eat a meal, slow down and feel the food in your mouth- taste the various flavors and notice the textures. Notice the trees and sky when you are driving to work. Pay attention to the décor in your office. Is it cluttered or neat? Are you comfortable? Really notice your significant other -- his/her hair, clothes, smile, and body language -- without judgment or criticism. Just be an observer. Of course it never hurts to give a compliment to your loved ones and friends.

5. **Focus on being in the present moment when planning**

As lawyers, we plan and create to-do lists and strategize for the future. As we do this we can be mindful of how we are focusing. Are we comfortable with the plan- is it congruent with who we are? What is our conscience telling us? Are we being genuine? Have we listened to our "gut" or our intuition?

6. **Have an attitude of Gratitude**

Be grateful for your clients, staff, family and friends and look for the positive things they do. At the end of each day tell your significant other or family 3 things you are grateful for. That will force you to focus on the good things in your life. You can always find something to be thankful for. You can be grateful for the blue sky, the family pet, the comfort of a home, the smiling face of your child, the kindness of a friend, or even that you have food to nourish yourself etc. The more you say thank you to family, staff, clients, and others, the more they will feel appreciated and reciprocate. Showing genuine gratefulness gives us joy, and increases oxytocin in those we thank, and in turn boosts our endorphins too.

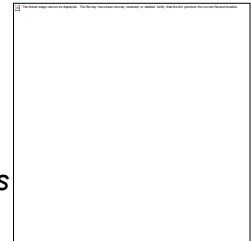
7. Enjoy each moment of life

We all know that our time in our present incarnation is limited. None of us can escape our ultimate destiny -- and we never know when our time is up -- so being mindful and aware of all we are doing is our way of savoring life. Just as we may be totally engrossed in enjoying a fabulous desert, that is how we can focus on our daily life. As you drive to work, look at mountains, lakes, oceans, flowers or other natural beauty around you. If you are stopped in traffic, be mindful of the time you have to just be in the moment and notice things around you. Take time to do something you enjoy doing each day. Make time to listen to music, enjoy your loved ones, turn off the news and find a happy, or comedic movie. Turn off the TV, put down your smart phone and take a walk in nature. Read an uplifting book or do something creative.

Our profession is stressful and as we consider enhancing and maintaining our professional competence, we need to practice mindfulness. To create balance in our lives and our law practice mindfulness improves our emotional intelligence, our memory, our anger management, and our professionalism.

About the Author:

*Mari Frank, Esq. has been an attorney/mediator in private practice in Laguna Niguel since 1985. She teaches negotiation and mediation at Brandman University and is a mediator for the Civil Mediation Panel of the Orange County Superior Court, the OC Bar and QDR Services. She hosts the radio show, **Fighting for Love: Turn Conflict into Collaboration** which airs on KUCI 88.9 FM in Irvine every Monday morning at 8:30 a.m. www.conflicthealing.com. Mari is Special Advisor to the Executive Committee of the Law Practice Management and Technology Section of the State Bar of California. .*



Speaker Biographies

Diane Bass, Esq.

Ms. Bass has an outstanding reputation that has earned her the respect of judges, prosecutors and her colleagues throughout Southern California. Her dedication to excellence combined with her extensive trial experience and extremely high ethical standards has obtained excellent results for her clients for many years. She has won numerous trials and received drastically reduced sentences for many of her clients.

Ms. Bass is a true defense attorney in every sense of the word. When she takes on a case she truly believes in her clients and will stand next to you and fight to the end to obtain the best results possible.

Ms. Bass will zealously protect your constitutional rights. Forged through years of experience Ms. Bass has a deep understanding of how Law Enforcement Officers conduct their business and she will aggressively pursue any potential violations of their conduct along with any other possible defenses you may have in your case.

If you or are a loved one are facing criminal charges, this is an extremely stressful and frightening time. You need a criminal defense attorney with the experience and compassion to walk you through the process, tell you what you can expect and fight for you and your rights. Ms. Bass will represent you with the utmost of discretion and professionalism.

Mari J. Frank, Esq.

- Attorney/Mediator
- Certified Information Privacy Professional
- Professor, Dispute Resolution
- Professional Speaker/Trainer (Privacy, Conflict Resolution)
- Corporate Consultant, Conflict Management, Information Privacy, Ombudsman
- Certified Trainer, State Bar of California
- Published Author
- Radio Talk Show Host
- Media Commentator: Television, Radio, and Print Media

Mari Frank is an attorney, mediator, certified information privacy professional (CIPP), author, professor, and radio show host in private practice in Laguna Niguel, California. She has worked in the District Attorney's Office, practiced insurance defense law, and has had a general civil law practice. She has successfully resolved thousands of disputes as a neutral since 1985. Prior to becoming an attorney, Ms. Frank was a university professor, educational consultant, school district administrator, and elected school board member. She received her BA from the University of Wisconsin (Madison), her Masters Degree from Hofstra University, and Law Degree from Western State University College of Law. She received her post law school negotiation and mediation certification from Mc George School of Law, Harvard Law School, and Pepperdine Law School.

Ms. Frank was the founding President of the Orange County Chapter of the Society for Professionals in Dispute Resolution-Orange County. She served for three years as founding Chair of the State Bar of California Alternative Dispute Resolution Committee of the Legal Services Section. She presently is appointed as a member of the Civil Mediation Panel for the Orange County Superior Court. She also serves as a mediator for the Arbitration and Mediation Fee Disputes for the Orange County Bar Association. Ms. Frank has taught hundreds of law students as a law professor, and thousands of attorneys as a certified trainer for continuing legal education for the Bar. Since 2003, she has been teaching negotiation, mediation and conflict resolution at the University of California, Irvine. Prior to 2003, she was an adjunct professor at Western State University School of law for eight years.

Ms. Frank served on the Mediation Advisory Board for the Irvine office of the American Arbitration Association. She was President of the Orange County Society for Professionals in Dispute Resolution, Chair of the first ADR Court Diversion Program of the Orange County Bar Association, and served on the first board of the Southern California Mediation Association. Ms. Frank is Chair of the Advisory Board of the Orange County Mediation Conference Committee and serves on the Mediation Conference Committee Executive Board. She is a member of the Orange County Bar Association ADR Committee. She also serves on the National Advisory Board of Divorce Magazine, and frequently writes articles for the magazine.

Aside from her private practice, Ms. Frank serves as a neutral for the Franchise Arbitration and Mediation, Inc., Dispute Resolution Management, and the U.S. Federal Administrative Panel of Neutrals. She has authored a textbook *Negotiation Breakthroughs*, and many published

articles/booklets dealing with conflict resolution. She is also co-author of *Stepping Stones to Success*. She is the radio host of "*Prescriptions for Healing Conflict*" on KUCI 88.9 FM in Irvine airing on Monday mornings at 8:30 A.M. and www.kuci.org. Ms. Frank consults and mediates for corporations, and also presents conflict transformational training programs for lawyers, governmental agencies, and business professionals. She has taught myriad participants to utilize effective "solutioneering" techniques to transform adversity into opportunities in reaching private, successful agreements and enhanced, superior relationships. Ms. Frank is a Certified Privacy Expert (Certified Information Privacy Professional) and provides consulting, training, and expert testimony on privacy issues nationwide.

As a **privacy expert**, Ms. Frank has authored the *Complete Idiot's Guide to Recovering from Identity Theft; the Identity Theft Survival Kit, From Victim to Victor; Safeguard Your Identity* and co-Authored *Privacy Piracy* with Beth Givens, Director of the Privacy Rights Clearinghouse. She serves on the Executive Committee of Law Practice Management & Technology Section for the State Bar of California, and is on the Privacy sub-committee of that section.

Ms. Frank has testified several times before the U.S. Senate and the California Legislature, the FTC, and the Social Security Administration. She gave a speech at the White House in 1999 with former President Bill Clinton that was televised on C-Span. She has been a Sheriff Reserve in Orange County, California since 2001, serves on the advisory board of the California Office of Privacy Protection, The Privacy Task Force for the California Department of Motor Vehicles, the Consumer Federation of America (DC), the Privacy Rights Clearinghouse, and for 12 years, she was an advisory to the Identity Theft Resource Center. She is a distinguished fellow for the Ponemon Institute, a respected research institute dedicated to promoting responsible information management.

As a media commentator, she has appeared on *The O'Reilly Factor, Dateline, NBC, 48 Hours, Montel, CNN, ABC Nightly News Investigative Reports*, and dozens of other national television shows. She has been featured in the *New York Times, LA Times, U.S. News and World Report, Your Money Magazine, Parade Magazine, The Wall Street Journal, The Washington Post*, and dozens more national publications. Ms. Frank has been interviewed on over 350 radio shows, and has been the host of *Privacy Piracy* since 2005, which airs Monday mornings at 8:00 AM on KUCI, 88.9 FM at the University of California, Irvine. The show also audio streams at www.kuci.org at the same time and podcasts on iTunes. Ms. Frank hosted her own PBS television special entitled "*Protecting Yourself in the Information Age*" which aired nationally from 2005-2007.

Ms. Frank uses a variety of "solutioneering" techniques as a mediator, legal advisor, privacy expert, professor, professional trainer, and expert witness. She has a unique expertise as a mediator of privacy and technology disputes.