

A MINDFULNESS
FOR LAWYERS
WORKSHOP



Defeating Digital Distractions

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mindfulnessforlawyers.com

Lawyers and Technology: The New Normal

For decades, digital technology has been transforming most aspects of a lawyer's work, from legal research to client relations to billing.

More recently, the COVID-19 pandemic triggered a global shift toward remote work and digital collaboration tools like videoconference and online chat.

These seismic changes affect not only how lawyers work, but how they live.

According to the 2017-21 American Bar Association TechReports:

Working remotely is now standard:

- Due to the pandemic, "the term 'virtual practice'...had now become the norm and not the exception."
- **59%** of surveyed lawyers work from home at least **75%** more than before the pandemic, and **37%** of surveyed lawyers work from home at least twice as much.
- "On average, respondents use the technology they already owned **42%** more because of the pandemic."
- Between 2019 and 2021, the percentage of lawyers using a laptop computer as their primary work device, rather than a non-portable desktop computer, rose from **41%** to **53%**.
- Even before the pandemic, "it [wa]s fair to say that all lawyers are now remote workers."

Smartphones are indispensable:

- Pre-pandemic, **96%** of surveyed lawyers used a smartphone at least occasionally to do legal work. It is safe to assume that this number has increased.
- Of the surveyed lawyers who use a smartphone, **80%** use an iPhone.

Social media use is nearly ubiquitous:

- **80%** of surveyed lawyers use social media for professional purposes. (This figure does not factor in personal use.)
- The leading platform for lawyers is LinkedIn, which **73%** of all surveyed lawyers use.

Technology has had positive impacts on lawyers' lives:

- **61%** of surveyed lawyers think technology has improved their work-life balance.
- **58%** agree that constant connection to technology makes it easier to balance work and family obligations. *(Note that those statistics are pre-pandemic.)*
- Thanks to telecommuting, "[n]o longer is it as necessary to make the daily trek to the office or incur the expense of traveling to meet a client."

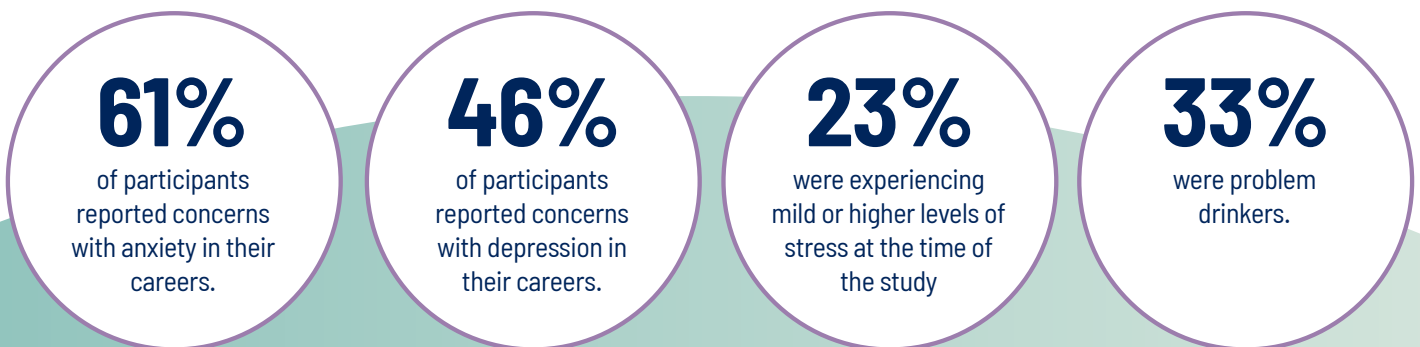
But there are negatives as well:

- Of surveyed lawyers who telecommute, only **20%** said doing so boosts productivity.
- **50.1%** of surveyed lawyers often or sometimes experience negative impacts on their productivity from technology-related problems.
- Almost **60%** of surveyed lawyers under age 40 say they "seldom or never take time away from their electronic devices to relax."
- Over **9%** of surveyed lawyers say they "never stop working."
(Once again, these are pre-pandemic figures.)

Stress in the Legal Profession

Lawyers, among professions, appear to be unusually prone to stress, substance abuse, and mental health issues.

In a 2016 study of 12,825 lawyers:



A 2013 study of 2,226 British lawyers found that lawyers' primary causes of stress were:



Digital distraction can further impact lawyers' well-being:

- Multiple studies indicate that, perhaps unsurprisingly, engaging with digital technologies can increase distraction and mind wandering.
- A 2010 study found that mind wandering results in unhappiness, even when the mind wanders to something pleasant.

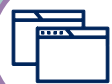
Digital Distraction: Statistics



The average American checks their phone about **80 times per day**.



The average American spends over **four hours a day** on their phone.



The average worker shifts computer windows **566 times per day**.



80% of smartphone owners check their phone within 15 minutes of waking up. For 80% of those people, checking their phone is the very first thing they do.



In a 2014 study of college students, **two-thirds of the men and one fourth of the women** chose to give themselves electric shocks rather than sit for six minutes without external distractions.

Optimizing Your Task

The Pomodoro System:

One **"Pomodoro"** = 25 minutes of focused work + five-minute break.

- Do your best to stick to one task for the entire Pomodoro.
- Every fourth Pomodoro, take a 15-minute break rather than five.
- You can adjust the lengths as you like.

Benefits of the Pomodoro System:

- Creates defined "container" for the task, which aids focus
- Promotes single-tasking
- Makes passage of time more tangible
- Replenishes focus via short breaks

Enhancements to the Pomodoro System:

- At the start of each Pomodoro, declare your task, either out loud or in writing.
- If you get distracted during a Pomodoro, apply a light mental label to the distraction (e.g., "thinking," "hearing," or simply "distraction").

"Chunking" a task into manageable pieces:

- Assign the task a set number of Pomodoros after which you'll switch to another task, returning later if necessary.
- Remember that a break is never more than 25 minutes away.

Recommended Pomodoro apps:

iPhone:
BeFocused, Forest

Android:
ClearFocus, Forest

Focus as a Trainable Skill

The great 19th-century psychologist William James declared that the ability to control a wandering attention “is the very root of judgment, character, and will.”

James believed that this ability is inborn and cannot be improved.

However, he was mistaken.



In recent decades, research has shown that mindfulness meditation can boost attentional focus, as well as working memory and other aspects of executive function.

Benefits of Improved Focus



Speed and timeliness.

Example: a lawyer researches and draft motion papers well before the deadline, with few distractions.



Attention to detail.

Example: a lawyer notices subtle, unfavorable nuances in proposed contract language.



Client service.

Example: a lawyer produces a conservative, careful, and fair billing statement, reflecting both the lawyer's efficient work and a meticulous, focused review of the billing records.



Effective collaboration.

Example: a lawyer listens attentively to a colleague's case update and gleans all the necessary information.



Work-life balance.

Example: a lawyer works efficiently and can leave the office at a reasonable hour.

Training Focus: Meditation



The Posture

- Straight spine.
- Feet under the knees, flat on the floor.
- Try sitting toward the edge of the chair.
- For more, google “posture-pedia” to find Stephanie Nash’s thorough posture guide.



The Technique

- Rest attention on the sensations of breath at the nose.
- When you notice attention has wandered, gently return to the breath.
- Breathe normally.

Meditation Pointers

- Meditation is not about emptying the mind. Let the whole rich landscape of sounds, sensations, and thoughts continue in the background.
- Your mind will wander, and that’s okay. This isn’t about stopping the wandering; that’s impossible. It’s about noticing and gently guiding the mind back.
- When you notice you’ve wandered, briefly savor that recognition before returning.
- Apply gentle effort. No need to strain.
- There is no failing at this, no doing well or poorly. There’s only practicing or not.
- *Optional:* apply a light mental label to a distraction (e.g., “thinking,” “itching”).

Boosting Focus: Diet and Exercise

Research shows that even a single session of light exercise can improve concentration and cognitive flexibility (though repeated exercise appears to be more beneficial).

Studies suggest that adding certain foods and nutrients to your diet can improve focus:

Caffeine

(but beware addiction and tolerance as results of overuse)

Blueberries

Leafy greens

Fish oil or other sources of omega-3 fatty acids

Making Devices Less Distracting

Smartphones, apps, and social media are engineered to exploit psychological flaws and trigger compulsive behavior.

We can combat this attentional hijacking by:

- neutralizing the slot-machine-like use of color and novelty
- introducing small amounts of friction to prevent unconscious usage

1

Hide addictive apps in folders, preferably on the second page of a folder so you can't see the apps from the home screen.

2

Access apps via the phone's search function.

3

Turn off autofill for your social media passwords.

4

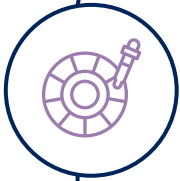
Turn off all unnecessary app notifications.

(You might turn them off for personal emails and leave them on for work emails.)

5

Wear a smartwatch, which can handle many of your smartphone's functions and has a less addictive interface.

Set Up Your Device for Success

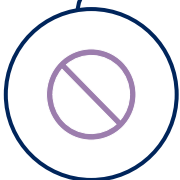


Switch your phone's display to grayscale.

- **iPhone:** *Settings > General > Accessibility > Display Accommodations > Color Filters > tap the switch, then select "Grayscale."*

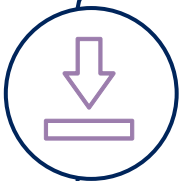
Then, if you like, go to *Settings > General > Accessibility > Accessibility Shortcut*, then select "Color Filters." This will let you turn grayscale on and off by triple-clicking the home button (or, on iPhone X, the side button).

- **iAndroid:** this varies by phone. Google your phone type and "grayscale."



Use a distraction blocker app:

- **iPhone:** Screen Time (built into "Settings") Then, if you like, go to *Settings > General > Accessibility > Accessibility Shortcut*, then select "Color Filters." This will let you turn grayscale on and off by triple-clicking the home button (or, on iPhone X, the side button).
- **Android, PC, and Mac:** Cold Turkey (<http://getcoldturkey.com>) or Freedom (<http://freedom.to>)



Install the Chrome extension "News Feed Eradicator"

to block the Facebook news feed while leaving the site's other features intact. You can find it by googling. (It works only for the Google Chrome web browser.)

Mindful Internet Use

Whether doing legal research, dealing with email, or drafting documents, resisting distraction while using digital devices is extremely challenging. **Be patient with yourself.**



Avoid multitasking; take on one internet task at a time.



Use these steps to carry out online tasks without getting lost in distraction:

① Before going online, **state your purpose.**

② **Acknowledge** how easy it is to get distracted and resolve to be vigilant.

③ Go online. When you feel an urge toward distraction, **give it a mental label** (e.g., “the Urge” or simply “distraction”).

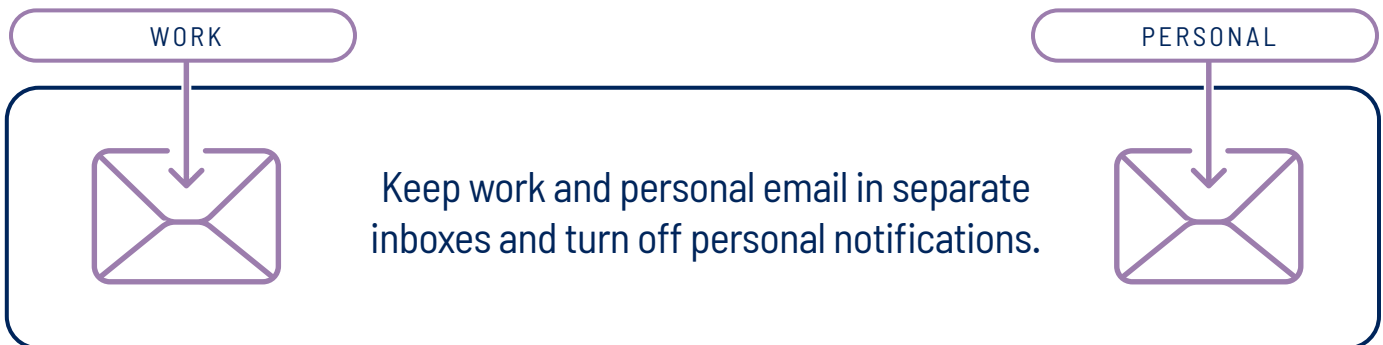


At first, you won't think to label the urge until long after you've gotten distracted. This will change with practice.

Email Management For Lawyers

Email and smartphones have created an expectation of continuous availability to clients and colleagues.

Lawyers must balance responsiveness with the need to “put their heads down” and work. Here are some strategies:



Receive “batched” email notifications:

1

Ask your supervisor(s) for permission to check email at set intervals to free up heads-down work time. Agree on an interval (e.g., every 15 minutes)

2

In your phone’s settings, switch data retrieval from “push” to “fetch.” Set it to fetch data at the agreed-on interval.

3

Turn off email notifications on your computer and rely on your phone’s periodic notification.

About the Author

Jon Krop, J.D., has taught mindfulness at Harvard, NYU, Penn, Stanford, Yale, the Pentagon, the world's top law firms, Fortune 100 companies, and many other organizations.

After graduating from Harvard Law School, Jon clerked on the U.S. Court of Appeals for the Ninth Circuit and worked as a litigator at firms in Los Angeles and New York City.

Jon has practiced mindfulness since 2006 and studied with teachers from around the world, including psychologists, neuroscientists, and traditional Buddhist masters. In 2014, Jon completed a seven-month silent meditation retreat.

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