

The RESPONSIBLE MONKEY MIND

BY MARK LEWIS

Let's talk about monkeys. In a cruel experiment, two monkeys were strapped side by side in chair. Each had control lever. At various times throughout an eight-hour day, a warning light would flash, and then the monkeys would be shocked. If one monkey pressed her lever, then both avoided shock.

There was a catch, however. Only one monkey's lever was actually attached to the electrical circuit, making that monkey the "responsible" monkey. Only she had the power to stop the shocking. She was in charge of the other monkey's fate. Fortunately, the responsible monkey soon mastered the art of simple lever pulling to avoid shock for both.

But then another catch was added. The responsible monkey could still avoid shocks by pressing the lever, but now the shocks came unpredictably and irrespective of the warning light. No matter what the responsible monkey tried, she could not provide a pain-free existence for her or her companion.

We feel pity for the companion monkey because he sat there utterly defenseless with a useless lever, his comfort and peace of mind totally dependent upon the responsible monkey's actions. The responsible monkey, on the other hand still got as many shocks as the companion monkey, but at least she had greater control over the situation. She eventually learned to push the lever with some regularity to avoid most of the shocks throughout the day.



What happened to the monkeys in this frightful experiment? The companion monkeys quickly recovered, whereas all of the responsible monkeys died within weeks of beginning the experiment. Many had also developed what appeared to be painful ulcers. Scientists could not account for death by fear of harm or the magnitude of shock, which left the most likely explanation: the responsible monkeys all died from the stress of their responsibility. They were responsible for their companion monkeys and could not prevent their pain, no matter how hard they tried to press the levers.

Lawyers are much more like those responsible monkeys than we care to admit. We have enormous executive and agency responsibility combined with an almost incomplete ability to control all the important variables that determine the outcome of our cases. How many of us, like the monkeys, have felt strapped into that chair, levers in hand, our clients' welfare at stake? Pull as we might, as faithfully and ethically as we might, but still the outcome is uncertain. Still the harm to our client comes. Feelings of powerlessness coupled with random shocks distributed by our

legal system put a real crimp on our professional satisfaction and personal health.

The monkey metaphor at the center of this essay is more than a literary device. Truth be told, our minds ceaselessly chatter and jump around like a bunch of monkeys in a tree. Our internal life is "lost in thought," as the saying goes, while we operate in default mindset mode most of our days. If you don't believe it, try closing your eyes right now and, for the next 20 seconds, concentrating on nothing but your awareness of your breathing. Focus on just that one thing – your breath as it rises and falls, nothing else. If you're like most, only a few seconds will pass before your mind leaps to an unbidden thought or daydream or apprehension. The monkeys of our minds ceaselessly swing.

But in the problem of the monkey mind also lies its possible solution, at least to the question how we maintain our sense of wellbeing and moral scruples in such a fretful, unpredictable legal world. What's more, the solution is practical and immediately useful. Take 10 minutes each day to do nothing but the following exercise: sit and concentrate on your breathing. Be aware of your breathing—watch it—and when your mind slips away to work, or some fantasy or fear, make a note of what pulled you away, and gently and without

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judgment return to your breathing. Allow the moment-to-moment play of your consciousness to unfold, continually returning to focus on your breath. Try this experiment today and see what happens. Try it for four weeks and watch your life, which includes your law practice and ethical dilemmas, begin to reap at least four benefits.

1. Free-associating will lead to creative solutions to your problems.

You will not think in a linear way. This all sounds esoteric, but it is very practical. Our laws and rules are written in linear, enumerated and outlined fashion: a model of rationality. Yet many legal and moral problems are amorphous, non-logical and emotive. We can access those states through our open, creative intuition, also called the “beginner’s mind”—as if this was the first time you ever heard what is being said, all is new, fresh, and nothing is taken for granted. Mindfulness practice cultivates this fresh and open perspective.

2. A sense of compassion and intimate connection

with your clients and even your opponents may arise. This will inevitably lead to more ethical treatment of others as you begin to see yourself and them as part of the same humanity trying to be grateful and live good lives. We are mirrors of each other. The more ethically we treat the world, the more ethically it might treat us in return.

3. You will feel refreshed, your energy boosted.

The medical profession has documented many health enhancements from meditation, e.g., mental and emotional wellbeing, lower blood pressure, decreased gastrointestinal problems, improved sleep, etc. MRI/SPECT images confirm the brain wave patterns in meditation are similar to certain deep sleep patterns, which suggests similar restorative or healing properties.

4. Clarity:

your ethical and legal problems will take on a new clarity as you see what truly motivates yourself and others, and what emotional tensions underlie the problems you face. Why is opposing counsel baiting you? Does it result from nastiness or lack of understanding? Why does your client seem so dissatisfied? Could it be a lack of clear communication or unresolved emotional wounds? When you see the problem clearly, you can address it. Reason alone will not always get you there.

How do we get there or, at least, how do we get further along the path? A practical and ethical credo might be a good start on the more mindful journey to clarity, energy, compassion and creative thinking:

A lawyer should practice mindfulness to enhance compassion, empathy and understanding.

A lawyer should practice the art of moment-to-moment awareness and appreciation of the now.

A lawyer should at various times throughout the day simply pay attention to breathing and practice letting go.



Mark Lewis, Esq.
Kitrick, Lewis & Harris Co., L.P.A.
mlewis@klhlaw.com



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Weldon E. Milbourne
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