



FLORIDA BAR NEWS

MINDFULNESS AND THE RULE AGAINST PERPETUITIES

By Scott Rogers ▶ Special to the News ▶ Columns

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You probably remember learning in law school the rule against perpetuities. And while this common law property rule tends to be elusive to grasp, an insight underlying the rule — that it can be problematic to tie up the future with today’s beliefs and intentions — is more readily appreciated. The present moment can also be difficult to grasp. Given our propensity to forecast the future, it can be useful to find a way to minimize the time and energy that can be spent anticipating and trying to manage imagined scenarios that tend to be out of proportion to what reality brings our way.

An accessible and short mindfulness practice known as STOP is one such method. It can take anywhere from a few seconds to a minute to practice and many find it to be very helpful.

A HIGHJACKED ATTENTION

Can you recall needless hours spent lying awake at night fretting, unproductive afternoons anticipating uncertain outcomes, and belaboring how best to respond to a low likelihood event. At such times our attention is being hijacked away from a present-moment task. Even if we sense that our hypervigilance regarding a future concern is probably unnecessary or futile, there seems to be little we can do about it. We can get lost in scattered and distracted thinking and wish we could STOP the mental freight train long enough to be able to disembark and get back to the task at hand — be it a good night’s sleep, finishing a project, or adequately preparing for a negotiation, client meeting, or hearing.

Mindfulness practices lay a foundation for seeing things more clearly. How, by sensitizing us to the presence of mind wandering and augmenting our ability to return to, and more fully grasp, our present moment circumstance. This, in turn, helps us to minimize rumination and catastrophizing. As such, practicing mindfulness both allows us to be more present and feel more relaxed, even when the present moment isn’t all that we’d like it to be.

Along with formal mindfulness practices that may run for between 5 and 45 minutes, there are short, informal, practice techniques that can be brought into the day to effect useful shifts in the quality of our focus, emotional well-being, and sense of connection to others. In this month's column we'll look at a popular practice technique, known as STOP. I'll also share a variation, one especially helpful as you first begin to practice it.

STOPPING THE MENTAL FREIGHT TRAIN

The acronym STOP stands for:

Stop (or sit, stand, slow down),

Take a breath (aware of the sensations of breathing)

Observe (something taking place in the present moment), and

Proceed

Let's give it a try:

- Begin with stop, or *intentionally* pausing, whether you are sitting, standing, walking, or lying down.
- Now, take a breath, aware of the breath as it moves through the body. If you'd like to feel a little more relaxed, slow down the breath.
- Observe the moment as it is. For example, you might continue to observe the sensations of breathing or notice what you are thinking, feel the temperature of the air, listen for sounds, or look around and see what's taking place in your environment. Keep it simple.
- After a few moments, proceed.

STOP can take as little as 5 or 10 seconds to practice. It is both a short mindfulness practice and a method for slowing things down . . . and calming down. You can practice it just about any time. The following links offer you short discussion of the practice by law professor and mindfulness teacher, [Rhonda Magee](#) and a short video that does a nice job explaining the STOP exercise to [children](#).

I find that because STOP can be practiced within such a short time window, the mental-moment can pass a bit too quickly and the benefits to mind and body and decision-making can be less than fully realized.

The following tweak hones in on the Stop portion to help ensure that it is not given short shrift.

COUNT TO 10

The instruction involves counting to 10 after coming to a Stop. Often, due to feelings of urgency, restlessness, anxiety, or just as a byproduct of our continuously spinning internal hamster-wheel, we may not come to as full a Stop as we might and we risk rushing through the rest of the instruction.

A good time to practice STOP is when walking from one place to the next — to a meeting, the restroom, to your home at the end of a long day, or perhaps to your child's room to read a bedtime story.

Somewhere on the way to your destination, come to a complete stop. *Then, slowly count to 10.* It's like pressing a reset button. After giving your mind and body a little more time to settle, then take an intentional breath, aware of the breath, observe what is arising, and then proceed on to your destination.

As you experiment with STOP, see what might begin to shift. You can even practice in your car while driving. Should you forget or get lost in thought, you might see a . . . sign.



*Scott Rogers, M.S., J.D., is a nationally recognized leader in the area of mindfulness in law and founded and directs the University of Miami School of Law's Mindfulness in Law Program where he teaches mindful ethics, mindful leadership, mindfulness and negotiation, and mindfulness in law. He is the creator of Jurisight, one of the first CLE programs in the country to integrate mindfulness and neuroscience and conducts workshops and presentations on the role of mindfulness in legal education and across the legal profession. He is author of the recently released, **"The Mindful Law Student: A Mindfulness in Law Practice Guide,"** written for all audiences.*