

Writing Lockdowns: A Path to Mindful Writing

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As is often said, lawyers are writers. Thus, good writing is critical for success in the law. Yet even the best writers sometimes struggle. The writing process may include peaks and valleys, starting out in the “forest of delusions of grandeur,” and then traveling into “crippling insecurity-ville.”¹ Along the way, procrastination and writer’s block may contribute to feelings of being overwhelmed when writing efforts stall and deadlines loom.² Layer on the fast-paced digital world of constant multi-tasking and hyperconnectivity to e-mail, social media, and text-messaging, and writers can be left feeling distracted and frazzled while their focus decreases and their stress rises. Now more than ever, writers need to find ways to practice mindful writing.³

¹ See Anne Emond, *A Mental Map*, Rumpus (Dec. 2, 2011), archived at <https://perma.cc/VG96-3SBM>.

² See David Rasch & Meehan Rasch, *Overcoming Writer’s Block and Procrastination for Attorneys, Law Students, and Law Professors*, 43 N.M. L. Rev. 193, 198 (2013); Matthew Salzwedel, *The Lawyer’s Struggle to Write*, 16 Scribes J. Legal Writing 69, 69 (2014–2015).

³ See Shailini Jandial George, *The Cure for the Distracted Mind: Why Law Schools Should Teach Mindfulness*, 53 Duq. L. Rev. 215, 216–22 (2015); Heidi Brown, *The Mindful Legal Writer* 3–5 (2015); see also Shailini George & Kathleen Elliott Vinson, *Mindful Writing: Using Mindfulness Techniques and Writing Lockdowns to Foster Productivity*, University of Miami Law School (Jan. 2016), archived at <https://perma.cc/2ZVQ-YYUF>.

Mindful writing means focusing on the task at hand, not dwelling on past writing projects or worrying about future ones.⁴ It may seem simple enough, but it isn't easy.⁵ Being a mindful writer, focused on the present, is a skill that can be learned with practice, and it pays big dividends in the legal profession.⁶

Writing Lockdowns

A writing lockdown is a practical way for lawyers to integrate mindful writing into their busy workdays.⁷ Every legal writer, whether in academia or law practice, can benefit from one. A writing lockdown is simply a block of quiet, relaxing time spent with other writers, devoted to writing. It allows a writer to quiet the mind and inner writing critic.⁸ It might last an entire day or just a morning or afternoon.⁹ To encourage calmness and productivity, a writing lockdown is silent. Distractions are min-

⁴ See George, *The Cure for the Distracted Mind* at 220–22; Brown, *The Mindful Legal Writer* at 5; Ann Sinsheimer et al., *Legal Writing: A Contemporary Approach* 209–12 (2014).

⁵ See Chris McAliley, *Mindfulness on the Bench*, 90 Fla. B.J. 24, 24 (2016) (noting that courtrooms can be hectic and distracting places, and that judges can benefit from practicing mindfulness).

⁶ See Sinsheimer et al., *Legal Writing* at 209–12; Scott Rogers, *Mindfulness in Law and the Importance of Practice*, 90 Fla. B.J. 11, 13–14 (2016) (discussing benefits of mindfulness to lawyers and judges and its role in society).

⁷ See George & Vinson, *Mindful Writing*.

⁸ See Linda Edwards, *The Perfect Time Is Now: Getting Started and Finding Support for Your Scholarship*, webinar hosted by the Legal Writing Institute Scholarship Development and Outreach Committee (Dec. 2015), <http://mediaserv.law.du.edu/mp4video/ruan/Legal-Writing-Institute-Scholarship-Webinar-12-10-2015.htm> (discussing the inner critic in a writer's mind).

⁹ See Kelly Stone, *Writing Schedules That Work if You Work 'Em*, Suffolk University, *archived at* <https://perma.cc/4D53-X5VM> (acknowledging that some writers like to write in the morning and others are more productive at night).

imized by shutting off phones and blocking Internet access.¹⁰ There is no e-mail checking or Internet surfing — just writing. And with 87% of professionals reporting that their workdays are fraught with interruptions, making even five-minute blocks of concentration a rarity,¹¹ the value of sustained, uninterrupted writing sessions is undeniable. Studies show that a multitasking brain is a fatigued brain and that interruptions undermine clear thinking.¹²

So despite the word *lockdown*'s ominous connotations, in this context it signifies a productive, supportive environment — though some may still prefer “writer’s retreat,” “writer’s block,” “quiet writing zone,” or “dedicated on-campus writing day.”¹³ Whatever you call it, a writing lockdown offers an oasis for the harried mind.

Writing lockdowns are not meant to encourage binge-writing, but rather to promote the good habit of writing with focus in a supportive environment.¹⁴ Nor are writing lockdowns meant to be writing classes or seminars. Writing is not reviewed, critiqued, or shared with others. Each participant focuses on his or her own writing. Writers bring their own laptops, pens, paper, and other materials. Each writer is expected to be self-sufficient.

¹⁰ See Sandra Bond Chapman, *Make Your Brain Smarter* 62–63 (2013) (reporting that 87% of professionals are interrupted more than 80% of their day, making it challenging to spend even five minutes deeply contemplating their work; thus, constant interruptions deprive people of clear thinking).

¹¹ *Id.*

¹² *Id.*

¹³ See posting of Mary Algero and Susan Liemer to Legal Writing Institute listserv (Sept. 22–23, 2016) (on file with author).

¹⁴ See *Should Schools Sponsor All-Night Writing Events?*, Legal Skills Prof Blog (Feb. 25, 2016), archived at <https://perma.cc/CT2R-9BR5> (exploring difference of opinion whether university all-night writing events encourage binge-writing or promote healthy habits).

The Benefits

Practicing mindful writing through writing lockdowns has many benefits. It helps manage workloads and anxiety while increasing efficiency and productivity.¹⁵ It may even help writers enhance their joy of writing and professional satisfaction.¹⁶ While writing can be lonely, with the writer toiling away in isolation, writing is not solitary in a lockdown. Writing lockdowns harness the power of the group and a sense of community. By observing other writers being productive and focused, participants get inspiration, peace of mind, and support. In addition to the energy and encouragement that comes from this group dynamic, a writing lockdown increases accountability. Like going to a gym, writing in a lockdown may help writers accomplish more than they'd accomplish on their own.

Setting Goals

Before a lockdown, writers should determine what to tackle, depending on the lockdown's duration and their stage in the writing process. Writers should arrive with a specific goal written down; then, at the beginning of the lockdown, writers can set their intention to accomplish that goal. This helps writers avoid distracting thoughts that might slow progress.¹⁷ If a writer's mind wanders, a simple glance at the written goal can restore proper focus.¹⁸ To regain focus, writers can jot down distracting thoughts and set them aside.¹⁹ Those notes might be seeds for

¹⁵ See George, *The Cure for the Distracted Mind* at 222–36.

¹⁶ See Rasch & Rasch, *Overcoming Writer's Block* at 230–31.

¹⁷ See Rhonda V. Magee, *Martin Luther King Jr. Offers Insight into "Justice for All,"* A.B.A. J. (Mar. 1, 2016), archived at <https://perma.cc/MB5B-PJQG> (describing the use of meditation exercises at the start of lockdowns to quiet the mind and enhance concentration, and the advantages of proper posture and breathing).

¹⁸ See *id.*; Sinsheimer et al., *Legal Writing* at 212.

¹⁹ See Magee, *Martin Luther King Jr. Offers Insight into "Justice for All"*; Sinsheimer et al., *Legal Writing* at 211–12.

future writing projects, but setting them aside helps writers stay on task.

To avoid feeling overwhelmed or frustrated, writers should set realistic, concrete goals.²⁰ For instance, no lawyer could realistically expect to write an entire appellate brief during a single lockdown. Instead, the lawyer could break that project down into manageable tasks or pieces.²¹ A small piece may take only 15 or 30 minutes to write, while a larger piece may take 90 minutes or longer.²² A realistic, concrete goal might be to write a set (and reasonable) number of words, pages, or sections.²³ At the end of the lockdown, writers should reflect on whether they accomplished their goal and the reasons why. This self-reflection may help them be more focused and efficient in the future.

Logistics: When, Where, How, and for Whom

Writing lockdowns can be held anytime. All that is needed is space and time — the writers provide the words. Lockdowns should be held in comfortable, relaxed environments, such as a quiet conference room, where writers can gather around a large table in an area where they do not normally work. The change of scenery may give writers a new perspective and fresh ideas.

Writers in every walk of the legal profession can organize — and benefit from — lockdowns.

²⁰ See Katie Linder, *Setting Effective Writing Goals Workshop*, *Excellence in Teaching & Scholarly Matters*, volume 6, issue 1 (2014) (on file with Suffolk University Law School); Moira Allen, *Setting Effective Writing Goals*, *Writing-World* (2001), archived at <https://perma.cc/QB7Q-ZL25> (discussing how writing “goals should meet three criteria: [t]hey should be measurable, meaningful, and attainable”).

²¹ Katie Linder, Suffolk University Center for Teaching Excellence, *Beginning Steps and Productivity Tips* (Oct. 2012) (on file with author); see also Linder, *Setting Effective Writing Goals Workshop*; Allen, *Setting Effective Writing Goals Workshop*.

²² Linder, *Beginning Steps and Productivity Tips*.

²³ Linder, *Setting Effective Writing Goals Workshop*.

Law Students and Faculty

Several law schools have held writing lockdowns, including Drake, Loyola–New Orleans, Suffolk, Touro, University of Missouri–Kansas City, and Widener. Law school is a good place and time to foster mindful writing and productivity among students: at the outset of their legal careers, when the pressure and competition begin.²⁴

Law schools can host writing lockdowns for law students, faculty, or both. The possibilities are almost endless. A lockdown can be optional or mandatory. Participants can be invited for just a morning, just an afternoon, or a whole day. For an optional lockdown, writers are free to come and go, and they may decide to participate in some or all of the lockdown.

Generally, lockdowns are held outside class. But they can also be held during class. They can be held midsemester, once a month, once a week, or anytime writing deadlines approach. Scheduling lockdowns well ahead of assignment due dates signals to students that they should be writing and not procrastinating.

A faculty member, administrator, or student can organize a student-only lockdown by reserving a date and location for students to write in a quiet environment. Students can sign up ahead of time, or a lockdown could be structured so that interested students just show up and write. Students who attend can silently work on papers, outlines, or other writing tasks.

Having a faculty member or administrator organizing and attending the lockdown reinforces the importance of prioritizing and planning writing. The presence of a faculty member may also make students feel more accountable. Having a dean give

²⁴ See Sinsheimer et al., *Legal Writing* at 210 (noting approvingly that “those teaching, practicing and learning about the law are beginning [to] recognize the value of mindfulness training”); Judge Alan S. Gold, *The Art of Being Mindful in the Legal World: A Challenge of Our Times*, 90 Fla. B.J. 17, 23 (2016) (highlighting law schools like University of Miami as good models for introducing mindfulness into the curriculum).

students welcoming remarks at the outset can signal to students how much the school values scholarship. By writing with other students and faculty members, students find that their productivity and peace of mind increase. Students can use the tools and techniques they learned in the writing lockdown to take responsibility for their writing.

Faculty-only lockdowns are a great opportunity to foster productivity among professors and a sense of scholarly community at a university. Faculty from a specific department, discipline, or area of law can meet, or faculty from different disciplines across the university might participate. Faculty from different schools might even come together for a writing lockdown, such as faculty from schools within the same state or region.

Faculty and students can also participate in joint faculty/student lockdowns. Students may be inspired and comforted to see that faculty must dedicate time and focus to complete their own scholarship. A joint writing lockdown can also help break down barriers between faculty and students.

Practicing Lawyers

The need for lockdowns may be greater for practicing lawyers than for law-school students and faculty.²⁵ The pressures and time demands are heightened in practice.²⁶ Juggling compet-

²⁵ See Ann Sinsheimer & David J. Herring, *Lawyers at Work: A Study of Reading, Writing, and Communication Practices of Legal Professionals*, 21 J. Legal Writing 1, 44, 60 (forthcoming), <http://ssrn.com/abstract=2747512> (discussing how associates have to find time to write without interruptions).

²⁶ See Sinsheimer et al., *Legal Writing* at 209–10 (stating that substance abuse, depression, and unmanageable stress have been recognized as being prevalent in the legal profession).

ing priorities, client demands, and strict deadlines may interfere with successful writing and lead to stress and burnout.²⁷

Practicing lawyers may think that they have no time for writing lockdowns. Perhaps the best response to this concern comes from attorney Paul Singerman, who often remarks, “If you think you don’t have five minutes to spare to practice mindfulness, you need to practice for ten.”²⁸ At least one major Florida law firm agrees and has offered mindfulness training courses similar to the training that Google offers its employees; this practice is also growing among Fortune 500 companies.²⁹ Writing lockdowns in a law office can increase productivity, reduce stress, and help lawyers become mindful writers.³⁰ Lawyers might commit to meeting once a week, once a month, or as needed, perhaps on a day when their local courts don’t usually hold motion hearings.

Sometimes the intensity, size, or whirlwind nature of a case may necessitate a writing lockdown. One high-profile example was the 2000 Bush–Gore presidential litigation.³¹ Barry Richards, a lawyer for the Bush campaign, recounted his team’s approach to brief-writing in the Florida state cases: “The Bush campaign enlisted a dozen bright young lawyers from around

²⁷ See Leonard L. Riskin, *Awareness and the Legal Profession: An Introduction to the Mindful Lawyer Symposium*, 61 J. Legal Educ. 634, 635–38 (discussing mindfulness in the law and its value to law students and lawyers); Gold, 90 Fla. B.J. at 23 (noting that CLE programs on mindfulness are offered to members of the legal community).

²⁸ See Rogers, 90 Fla. B.J. at 13; Gold, 90 Fla. B.J. at 23 (describing how a major Florida law firm, Berger Singerman, underwent a seven-week mindfulness training course similar to one offered to Google employees).

²⁹ See Gold, 90 Fla. B.J. at 20, 23 (pointing out that Fortune 500 companies are offering mindfulness training and how the legal profession could similarly benefit from it).

³⁰ See *id.* at 20; Paul Steve Singerman, *The Return of Investment from My Study and Practice of Mindfulness*, 90 Fla. B.J. 26, 26 (2016) (recommending that those skeptical of mindfulness should take note that the U.S. military offers mindfulness training).

³¹ See Barry Richard, *Litigating History*, 28 *Litigation* 8, 10 (Fall 2001).

the country to assist with brief writing. The briefing team was headquartered in a conference room at the Florida Republican Party headquarters and worked 24 hours a day.³²

Lawyers who stretch beyond practice-oriented documents can also benefit from writing lockdowns. For example, lawyers who write bar-journal articles or continuing-legal-education materials can hold writing lockdowns with like-minded practitioners outside work, away from the office's inevitable distractions. They might meet once per month, on a weekend morning, or for an extended lunch hour. Lawyers are ready for a lockdown when that article they're working on remains halfway done and keeps falling to the bottom of their to-do list.

Judges and Judicial Clerks

Writing lockdowns also have potential value for judges and law clerks, who face similar challenges from stress and competing demands.³³ Their jobs require a steady stream of opinions, orders, bench memos, and other documents — and all while juggling heavy dockets. Yet many judges and clerks are active writers beyond the docket. Judges or clerks in the same courthouse or city can schedule a writing lockdown for those projects. And judicial conferences can offer writing lockdowns for judges who attend the conference.³⁴

Conclusion

The legal profession can be stressful. The pressure to write well, often in the face of rapid-fire deadlines, can ratchet up the

³² *Id.*

³³ See Rogers, 90 Fla. B.J. at 12 (noting that mindfulness is being practiced in the courtroom); Gold, 90 Fla. B.J. at 16 (hypothesizing that lawyers and judges practicing mindfulness can help alleviate the lack of civility and professionalism in the legal profession); McAliley, 90 Fla. B.J. at 24–25 (explaining benefits of mindfulness for judges).

³⁴ Gold, 90 Fla. B.J. at 23 (explaining that lawyers and judges interested in mindfulness are invited to attend regular meetings on the mindful practice of law).

stress. Writing lockdowns offer a way, through mindful writing, to prioritize writing, manage stress, and be more productive.³⁵ Practicing mindfulness through writing lockdowns can enhance a writer's well-being and professional fulfillment.³⁶ As one commentator put it, "You can't stop the waves, but you can learn how to surf."³⁷

Although writing lockdowns are not a silver bullet, after participating in them, writers may be pleasantly surprised by how quickly time passed, how much work they accomplished, and how their peace of mind increased.³⁸ Best of all, writers can learn to apply that discipline, focus, and calm regularly, whenever they need to write, during each stage of the writing process.

³⁵ Rogers, 90 Fla. B.J. at 13.

³⁶ *See id.* at 12 (discussing how lawyers and judges interested in learning a skill like mindfulness "may enhance their productivity and well-being").

³⁷ *Id.* (quoting attorney Paul Singerman speaking to lawyers and law students about practicing mindfulness).

³⁸ Gold, 90 Fla. B.J. at 17, 23 (explaining that mindfulness can bring about meaningful change and benefit lawyers and the legal profession).