

Friday, May 16. 2008

**Addressing adversity like a t'ai chi teacher.**

Â A big dichotomy can exist between the devotion to being calm, and actually being calm. Although I do not know if it is true, a well-known peace proponent whom I respect very much claims that Gandhi, the very would-be pillar of calmness, was a tyrant to his wife. (Did he do so in a calm tone of voice, if there is such a possibility?)Â One day at a Trial Lawyers College reunion ten years ago, one of the attendees told me: "Jon, it took awhile for me to identify with you. You are a vegetarian, and I hunt. By now, I admire you as a sea of calm."Â I responded: "You have much still to know about me. It is easy for me to be calm while here on vacation in the beautiful Wyoming mountains, with not an opponent in sight." Â Yet calm I must be, and calm we must all be. Many times I have obsessed over whether calmness is a sign of weakness or of being an automaton humanoid. Then I think of my friend and mentor Jun Yasuda, who is calmness personified even when being physically attacked when peacefully demonstrating for peace (her response will be "Why are you angry?" rather than escalating the violence) and even when the government throws roadblocks in her path (including telling her how to set up the plumbing in her temple, merely because it is open to the public). Â The late Vic CrawfordÂ was about the only person who could have convinced me to start practicing t'ai chi when I did. He did so merely by letting me know in passing that he practiced it, answering any questions I had about t'ai chi, and just being. Vic was a brash, hard-fighting trial lawyer who incorporated t'ai chi into his life without making any effort to proselytize for it. Three years after I first met Vic, I askedÂ his advice for learning t'ai chi. Vic sent me some brochures about classes given by Ellen and Len Kennedy, (who became my teachers) and some other local instructors (lawyers Vic and Len inspired me to start and stay on the t'ai chi path now for over thirteen years). He attached a note foreseeing amazing doors that were about to be opened through learning t'ai chi; what an understatement.Â Â Recently, I revisited the critical question I often revisit: How to apply calmness to an employee even in the most trying situation (for instance, if a new staff member mistakenly tells a caller we don't handle felony cases (which we do, of course) and the caller hires the lawyer across the street for his marijuana grow defense). First, in responding to such trying situations, it is important to remember some of our own worst messups, whether based on inattention, stress, depression, disinterest, inability, or anything else. Then, for me, it is critical to stay in, or return to, full t'ai chi mode, where tension always weakens and calmness always strengthens. Next, in addressing the problem with my employee, it is critical to approach the matter as my t'ai chi teachers do in showing me how to improve, which my teachers call "corrections", which is a positive and patient approach geared towards improving absent of any lecturing, berating or tension. My t'ai chi teacher does not tell me "for the thousandth time, stop holding your arm so high when in the wardoff posture," but instead comes over and either points calmly to my wardoff arm or gently moves it to the better position (or,Â if it is master Ben Lo, he mightÂ playfully throw one off balance by pushing theÂ lower back of a practitioner who does not sink into his or her steps; as Ben says "No pain, no gain/No burn, no earn."). Â Â Of course, different than the employer who can suffer harm to clients and finances when an employee makes a big error, the t'ai chi teacher suffers no loss other than training time to have a student who makes multiple errors. The great t'ai chi teacher recognizes, of course, that every student of every subject has his or her own pace for learning, and that sometimes the slowestÂ learner becomes the most skilled practitioner.Â In any event, there is no sufficient alternative to the foregoing approach for addressing employees when they make mistakes, or even when they intentionally neglect their obligations. What good comes out of any other approach? For instance, motivation by fear ultimately weakens the employee, the employer, and the entire organization; fearÂ weakens rather than strengthens.Â T'ai chi megamaster Cheng Man Ching -- who taught the teacher of my t'ai chi teachers -- exhorted t'ai chi practitioners to be ready to invest in lossÂ on the way to victory. Certainly, approaching serious adversity with employees and others with total calmness may prolong loss in the short run (for instance, some employees may think their mistake could not have been all that bad if the employer responded calmly), but in the long run, this is the most powerful and beneficial approach. In reality, no other alternative exists to the calm t'ai chi approach, and no exceptions exist to this approach. Even for people who are committed to such an approach, overnight change is unlikely. Of course, t'ai chi involves striving for constant improvement, rather than expecting that it will come at the snap of the fingers. Â The fighting part of t'ai chi is to be used with our opponents, not with our employees, co-workers, friends, and allies. Even when t'ai chi battle is necessary with opponents, calmness is critical at all stages, no matter how fierce or potentially lethal the battle. The goal of t'ai chi battle is to harmonize a problem; for me, in doing t'ai chi battle, if any damage is going to come to the opponent, I want to cause no more damage to the opponentÂ than necessary to get to harmony. Â Theoretically, it should be less stressful to deal with problems from employees than problems from opponents. However, we know that we generally can escape from our opponents by just walking away, whereas employees are within yards of our desks. Calmness remains the only answer. Â As to opponents, disarming them often requires putting our own arms aside, too, at least at first. For instance, recently I went up against a prosecutor who refused to budge to reach a drunk driving plea deal that would not involve his recommendation of executed jail time. I figured no harm would be done, and possibly a benefit, if we took a detour to something else to discuss of mutual interest, so we talked about our criminal law practices, which was interesting for us both, as much as I

still see prosecuting as mainly a darkside practice. Then I came back to our plea negotiations, and with a few new developments that took place, we reached a no-executed jail deal. Before starting practicing criminal defense seventeen years ago, I would have thought such an amiable discussion between opposing lawyers distasteful. However, I know that we are all interconnected as human beings; when we treat our opponents as full human beings -- even through gestures as small as engaging in mutually interesting discussions about such pastimes as long distance biking -- rather than as evil personified, we help motivate and empower them to be the best human beings they can be, or at least to approach that. Everyone wants to be treated with respect and dignity, rather than to be expected to urinate in the eye of justice and good. When we recognize that everyone has within them the seeds of goodness and evil, then it is easier to hold out hope that even our most vicious and heartless-seeming opponents can experience a turnaround. For my purposes, t'ai chi is an essential ingredient for putting the foregoing goals into practice. Mediator Tammy Lenski's Conflict Zen blog provides excellent ideas for reaching such goals for those who do and do not practice t'ai chi. What do you do to reach calmness in a state of stress or conflict? Jon Katz.

Posted by Jon Katz in Persuasion at 00:00