

Sunday, September 21, 2008

Being a t'ai chi bear in an otherwise stressful court.

Yin Yang Nobody can fully and sufficiently describe what it feels like and what the best responses are to being a lawyer being berated by a judge while the lawyer's client is standing right next to the lawyer, and when plenty of other eyes and ears -- and the court reporter's record -- are focused on the action. Even the greatest trial lawyers are not immune from such treatment, although they can be better at preventing (at least where preventing it will not harm the client), deflecting, and diffusing the berating in the first place. Being humans, all judges probably have berated in open court at one, more, many, or too many points, sometimes for good reasons, sometimes for bad ones, and often in between. Essential ingredients for a lawyer to know how to handle such treatment is life experience, constant practice in the heat of battle, and constant self improvement. A lawyer must remain strong throughout court proceedings. This does not mean hiding his or her fears, warts, and awkwardness (although it is good to focus on reducing all three), but does mean keeping and returning to center as much as possible. One lawyer -- now a judge -- who did not seem to be one to unnecessarily get a judge's goat, spoke at an informal gathering on dealing with difficult judges, and spoke of the benefit of enshrouding oneself in Gandhi peacefulness when being berated by a judge, in that doing so can eliminate the problem and doing otherwise can help escalate the situation. How, then, to reach the peacefulness of Gandhi when judges, prosecutors, opposing witnesses, and sometimes even court staffers are readying to sling bows and arrows at the lawyer from every direction? I have found no better answer than the practice of t'ai chi twenty-four hours a day, sixty minutes per hour, and sixty seconds per minute. One day fourteen years ago, I was feeling the rush of the National Criminal Defense College's Trial Practice Institute, and looking to take forward leaps in the quality of service I deliver my clients, towards a return to private practice, and in my personal life. I knew that a local trial lawyer who seemed to have accomplished much in those areas was also a t'ai chi practitioner, Victor Crawford. Victor Crawford was ready to show me the path to t'ai chi study once I called him for guidance three years after I first met him in 1991 and learned about his years of practicing the martial art. By the time I called him seeking direction to learning t'ai chi, Vic already was facing the challenge of cancer from smoking, which would claim his life only around one and a half years later. I visited Vic around a year after starting my t'ai chi study, and told him I was unsure how much time to devote to going to t'ai chi classes when I also wished to continue my more aggressive long distance running regimen. He urged me forward with t'ai chi, suggested dieting as an alternative to running for weight loss, and talked about the amazing energy and other benefits that come from practicing t'ai chi, which I started recognizing more and more firsthand as my t'ai chi continued into today. Vic spoke of understanding his body better than did his doctors. I needed a fellow criminal defense lawyer to encourage me to continue with t'ai chi, and it also helped that one of my two main teachers is a lawyer, Len Kennedy. When my other t'ai chi teacher -- Ellen Kennedy, who equally teams with her husband Len -- told me that Vic's cancer was spreading further through his body, she told me that if I visited him in the hospital and performed t'ai chi in his presence, it could be beneficial; I was too uncertain how I would be received, not having known Vic very well, when if this were today, I would have visited. Was Vic fearless about his then-approaching death? I do not know for sure, but imagine that t'ai chi helped him along the route of fearlessness. Was it mere coincidence that one of the teachers Vic told me about was a fellow lawyer, Len Kennedy, whom I have written about many times, including here, here, and here? Such role models as Vic and Len have been particularly beneficial for my incorporating t'ai chi into my life as a lawyer, because they both have focused heavily on t'ai chi while maintaining grueling lawyer schedules. For several years, Len has been Sprint's General Counsel and Secretary, which continues his general counsel role with Nextel before Sprint took it over, preceded by several years with a large Washington, D.C., law firm after time with the Federal Communications Commission. In the midst of such demanding lawyer work, Len repeatedly has included time each week for many years first to study and now also to teach t'ai chi students at Glen Echo Park just a few miles north of Washington, D.C. What true t'ai chi devotion this demonstrates. Although I try to keep Saturdays as non-working family days, Saturdays are when t'ai chi practitioners -- some with decades of practice -- join at Glen Echo Park at 7:00 a.m. for about an hour of practice. Len has said that when practicing the t'ai chi form together, one cannot reach tao without moving in unison. After a few years away from the Saturday morning practice group, I returned last week and yesterday, and feel more on track to getting greater benefits from t'ai chi by practicing it more correctly and beneficially. As we were concluding yesterday's practice, I saw Len Kennedy for the first time in several years, walking towards the nearby dance hall, where t'ai chi classes are taught, with bags of t'ai chi shoes to distribute. I had caught him after he had taken a year off from teaching. Even though Len's morning class was the first session of the beginner's class, I had little doubt that even in this class I would obtain further inspiration from Len, so I asked and obtained permission to join this one session. Unlike one of my law professors who annually seemed largely to mimic himself on each topic he addressed -- to the point where he would even insert the same jokes -- Len is very much in the moment, in constant self discovery, and in constant sharing of those self discoveries. Here are some things I learned and re-learned from Len and from myself yesterday: A t'ai chi practitioner can practice t'ai chi even when in one of "those meetings" (including being in the heat of court battle), the kind of interactions that can

otherwise be taxing, boring, annoying, stressful and angering. The first step is to refuse to be sucked into such nonsense even if walking away is not a real option. Some verbal t'ai chi -- which must be honest -- can include: "I understand. This is a very unfortunate situation;" "We really need to get to the bottom of this;" and "I understand what you are going through." - Internally, during one of "those meetings," the t'ai chi practitioner is doing t'ai chi, through relaxing and sinking into one's chair or into the ground if standing; by relaxing actively through being fully aware of what is happening around the t'ai chi practitioner; by emptying the mind and body of stress and wasted energy in order to deal with the matter at hand; by keeping the body upright and soft; by focusing breathing and strength in the tan tien (which is in a part of the abdomen, and which is the center for one's chi); by keeping the wrists and fingers softly unbent; by keeping the body's weight separated like yin and yang; and by keeping the waist as the commander of all bodily movements. By doing this, even the most unexpected, seemingly dangerous, and apparently difficult situations can be converted into the simplicity of the five principles of t'ai chi that must be practiced simultaneously, those being: (1) keep the body upright and (2) relax and sink the body into the ground, thus connecting the heavens to the body to the ground below, in other words, keeping the self and body harmoniously connected to everything else that is present and happening in one's immediate and more distant surroundings; (3) keeping the wrists and fingers softly unbent, to prevent tension and to maximize the flow of powerful energy; (4) always turning the body from the waist and never twisting the body; and (5) separating the weight of one's body as in yin and yang. - To start learning t'ai chi, do at least fifty daily bear moves, and do lifting hands. In the bear move, stand upright with the knees unlocked, keep the feet straight and parallel and slightly wider than shoulder width; and keep the palms facing each other. Then, turn the waist towards the left foot, sink all the weight into the left foot, and the right arm will naturally move towards the left foot. Then, uninterrupted, do the same towards the right foot, then back to the left foot, and on and on until a count of at least fifty. This exercise needs to incorporate the five t'ai chi principles listed in the paragraph above, as do all other applications of t'ai chi. - To do lifting hands, nothing beats being taught by a qualified t'ai chi teacher. Lifting hands is one of the first of the thirty-seven t'ai chi postures, and is shown in this video of t'ai chi megamaster Cheng Man Ch'ing. Len once suggested to me that even doing lifting hands with one arm while sitting at one's desk (or on the phone) can be very beneficial. Lifting hands is also very beneficial for those with bad backs and bad knees who are unable to do the many knee-bending aspects of t'ai chi. - Len brought some books beneficial to one's health and well-being, both about t'ai chi and non-tai chi subjects. Several of the t'ai chi books are by Robert Smith, Cheng Man Ch'ing and Ben Lo, all of whom I link to here. I looked unsuccessfully yesterday at the bookstore for the non-t'ai chi book books, and list them here as I proceed to seek them online: - What Healthy People Know, by Zorba Paster. - Minding the Body, Mending the Mind, by Joan Borysenko. - Walking Medicine, by Yanker and Burton. - Thanks to my t'ai chi teachers Ellen Kennedy, Len Kennedy, and Vic Crawford for their ongoing gifts of selfless teaching and for their ongoing inspiration when I am in even the otherwise most stressful and dangerous of situations. Jon Katz - ADDENDUM: Here are some additional excellent t'ai chi links: - Cheng Man Ch'ing teaching the t'ai chi form. - Cheng Man Ch'ing push hands class. - Cheng Man Ch'ing t'ai chi sword class. - Cheng Man Ch'ing discusses t'ai chi. - Robert Smith -- first Western student of Cheng Man Ch'ing, and teacher of my teachers Ellen and Len Kennedy -- spars with Professor Ch'ing. - Robert Smith unsuccessfully punches Wang Shunjin.

Posted by Jon Katz in Jon's news & views at 00:00