

Paying Attention Wisely

BY ROBIN OAKS

“I need to get focused!” I say this to myself daily. I imagine you’ve heard that same judge-in-your-head voice give a similar order when you realize that there’s so much more you need to attend to—but not enough time to do it. But what is attention or focus anyway? What can we do to improve it?

Although understanding attention was originally explored by philosophers, now it is studied by researchers in the fields of psychology, neuroscience, cognitive neuroscience, medicine, and psychopathology. It is an interesting fact that despite modern conveniences, technology, and scientific advancements, numerous studies have confirmed that over the last several decades people’s attention spans have been shrinking.

Attention is defined as the concentration of awareness on something to the exclusion of other stimuli or information—either subjectively or objectively. William James stated, “Everyone knows what attention is. It’s the taking possession by the mind in clear and vivid form of one out of what seems several simultaneously possible objects or trains of thought.”

At a recent event sponsored by the Institute for Well-being in Law (IWIL), I attended several presentations and heard some fascinating research about attention. Psychologist and researcher Gloria Mark, Chancellor’s Professor of Informatics at the University of California, Irvine, spoke about her research focusing on attention and the social impacts of digital media. She recently wrote a book, *Attention Span: Find Focus and Fight Distraction. A Groundbreaking Way to Restore Balance, Happiness and Productivity*.

We all think we know what attention is, but there are different types of attention states: bored, frustrated, focused, and rote. At the core, attention involves varying degrees of energy, engagement, interest, motivation, effort, and awareness. For our legal work, we value focused attention, but each state has value in our lives. Dr. Mark notes, “We do find that focused attention occurs in rhythms, and it seems to correspond to the ebb and flow of our mental resources that we have available.”

Dr. Amishi Jha, a neuroscientist and researcher, who wrote, *Peak Mind, Find Your Focus, Own Your Attention, Invest*

12 minutes a Day, explains that attention isn’t just one single brain system, it involves much more: our “orienting system,” “alerting system,” and “executive functioning system.” Attention is fragile. It’s also trainable. Dr. Jha has studied extensively how mindfulness practices change our brains to improve attention, focus, memory, meta-awareness—and mood.



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Attention is not passive.

To attend to one thing, we must actively block out and ignore other stimuli or events in our inner or outer environments. Distraction is not necessarily the opposite of attention. However, distraction does involve our attention being interrupted. Studies have shown that we interrupt ourselves more than we are interrupted by others.

For instance, through our brain Default Mode Network (DMN) we experience mind-wandering, which is defined as having thoughts unrelated to the task at hand. The DMN is activated when we daydream, when we have thoughts about ourselves, including fear of failure, and when there may be poor attentional control. Humans typically spend twenty to fifty percent (20%-50%) of their time thinking about thoughts that are not relevant to their current situation. Has your mind wandered right now away from reading this article?

How to Protect Our Attention from Being Captured

It’s important to become more aware of your personal rhythm of attention and the impact of technology on one’s cognitive resources. In our modern world, tech and social media companies learn ways of capturing our attention for economic reasons (aka attention economy). Because information and attention are commodities, companies invest in diverting our focus through attention marketing strategies.

Dr. Mark explained how technology, especially digital devices, may lead to fragmented attention and decreased ability to focus. Preliminary studies of AI use demonstrate an “erosion of critical reasoning” abilities. Multitasking, which may feel like you are doing a lot, actually *decreases* productivity and accuracy. When people rapidly switch their attention from one task to another, errors increase—and so do stress levels. There’s something called a “switch

cost,” which refers to the energy it takes to reorient to a new activity when you switch your attention back and forth.

Dr. Mark makes the important point that fostering well-being should be a top priority in the digital age. A few strategies to consider include the following:

1. Turn off notifications and purposefully create work environments that support focus and limit distractions.
2. Take nature, movement, and mind breaks to recharge, boost creativity, and increase physical and mental resources.
3. When you do take a break, consider doing so at a “break point,” which is a natural stopping point in your work task. This helps to lessen the effort needed to reorient when you come back after the break.
4. Set “emotional goals,” not just “to-do work goals.” Attention is usually goal directed, but sometimes work goals fall away during a hectic day. When you set emotional goals, you prioritize your mood and energy, monitoring what you feel, being mindful of what you are thinking, and implementing what boosts your energy reserves, engagement, and focus.
5. Limit multitasking and try adjusting your work environment so you can attend to one task at a time—without interruption. Consciously setting clear boundaries on time and space helps optimize attention and mental resources. Be mindful that those who work for you also need ways to limit interruptions. Ask them what you can do in your work environment to foster attention and focus and respect individual neurodiversity needs.

There are laws beginning to be passed in other countries that are called “right to disconnect laws.” They focus on protecting workers from penalties for not being available to answer electronic communications after work hours. I heard about a law in New York that limits the number of hours that certain medical staff and postgraduate trainees can be required to work. Specifically, 10 NYCRR § 405.4(b)(6)(ii) (a) and (b) limits hours of work to no more than 80 hours per week, averaged over a 4-week period, and should not be scheduled for more than 24 consecutive hours of duty.

Too much focused attention without breaks can be mentally, physically, and emotionally draining. This is a contributing cause of harmful—sometimes deadly—mistakes. Taking breaks supports health, and cognitive and creative thinking. This is likely one reason why we are wired to

spend time mind-wandering.

Awareness is important. However, taking concrete action to improve well-being and build our attention muscle is what creates positive change. At a recent well-being in law presentation, I spoke to a group of attorneys—some new to the legal profession and some seasoned, successful litigators. One experienced law partner in the audience made a candid comment about the importance of implementing real solutions. She said, “We are so sensitive to the next generation’s needs because we have to be competitive in today’s market. But we are crumbling because everything falls at our feet to do. I’m hoping that we can have some dialogue about *how* are we going to help each other? *How* are we going to help our associates—and *how* are we going to help ourselves?”

The following is an effective focus strategy that I heard about from the in-house well-being and wellness coordinators who work at Goodwin Law. It’s something to *do* that addresses *how* to improve focus and increase productivity, manage stress, and build a motivated and high performing legal community. This simple and effective strategy—easy to implement in any work environment—is a form of co-working, sometimes referred to as “focus-buddy sessions.”

Strategies for Increasing Focus: Focus-Buddy Sessions

The speakers from Goodwin Law explained that this strategy was implemented for their legal professionals as part of a highly successful program that was launched to support neurodiversity. A number of attorneys at Goodwin had mentioned that they deal with varying degrees of focus challenges, including ADHD. Many attorneys at the firm expressed an interest in exploring any community-building attention practice that optimized productivity.

The focus-buddy session is very effective because it involves conditions optimizing attention, connection, and motivation that are supported neurochemically. The following describes the process. I’ve also listed the steps in the box at the end of this article, so you can show others in your workplace how easy it is to implement.

A small group of people decide to meet—usually virtually—at a set time with the goal of working on any task (typically a writing task) they’ve identified. At the outset of the meeting, each participant shares briefly what work they intend to complete during the session. It might be a work or writing task that fits into a larger project, or a low-interest—tedious—project that must be completed.

Legal work requires lots of effort and energy. When meeting initially in a group, there is a surge of gratification and

motivation (releasing dopamine). This helps any feelings of pain or resistance associated with the task to transform into a rewarding, positive experience. By expressing openly that attention (in all its states) needs to be supported, this normalizes feelings of frustration, boredom, and procrastination—and the ebbing and flow of motivation.

Supportive groups united by a common goal help increase a sense of connection and safety (releasing serotonin and oxytocin). Building meaningful connections increases positive feelings and this creates motivation, sustained performance, and emotional resilience.

After the brief introduction phase ends, then the participants leave and turn off their screens. For the next hour (depending on the timeframe agreed upon) each person begins to work independently on their identified task. When the time is up, the group reconvenes. Each person shares briefly how the session went and what they accomplished,

possibly noting an insight they had about fostering focus or what was helpful about the group practice.

Simple and effective! Consider starting a focus-buddy session in your legal work environment to support everyone. As part of my efforts serving the legal community as the SBCBA's Director of Well-Being, I'm happy to start a focus-buddy session program that would be open for everyone to attend—whenever they wanted. Contact me, if interested—and I'll take the next steps! ■

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Focus-Buddy Strategy for Increasing Attention and Optimizing Productivity

1. Gather a group of interested people to meet virtually. Decide when to meet or plan a session that will happen routinely at a set time. Keep the total number of people small for each session.
2. Identify a specific task (usually written) that you want to complete during the session.
3. At the outset of the focus-buddy meeting session, each participant shares briefly what they intend to complete, identifying the task generally. Each participant provides introductory comments for no more than one or two minutes.
4. When the introduction phase is completed, everyone turns off their screens. For the next hour (it may be shorter or longer, depending on the time agreed upon) each person begins working individually on their identified task.
5. At the end of the session—when time is up—everyone is notified. The group reconvenes, and screens are turned on. Each participant then shares for one minute how the session went—and what they accomplished, generally. Any insight gained individually or a tip about what helps optimize focus may be shared. Time will be tracked by someone appointed, and the session concludes promptly at a given time.