

# Mindfulness to Lawyers

## RAISE™ From Within: A Professional Mediator's Guide to Let Go of Stress

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You're out of control. Your divorce has been pending before the court for over a year. You look to your lawyers for guidance, knowing that life-changing decisions lie in the hands of busy judges.

To make it worse, two years into the pandemic, we've practically normalized stress and strain. The toxic toll of divorce is affecting your work, health, and relationships, and the self-help tips you've read online just don't seem to be enough. You're feeling depleted and overwhelmed.

As a renowned mediator in the New York Supreme Court, I've seen first-hand the toll that divorce has on families, especially with a backlogged court system. Divorce is not about the numbers. It is about leading parties to realize their true interests and goals, and providing a platform for their voices to be heard. What if there was a way to not only survive, but thrive, in a high-conflict environment?

## Designing the RAISE Method

I grew up going to work with my dad, a clerk, watching judges settle cases in chambers during summer break since my travel was limited due to a childhood illness. I was encouraged to go to law school and privileged to be hired by the court immediately after graduation, and before I knew it, was sought after by our justices to help settle cases in the hallways.

The system was not working, especially for vulnerable family matters. Divorce litigation broke down not only the couples' ability to parent, but also an attorney's ability to advocate. I wondered how I could create a space where parties to a pending dispute could simply understand one another. Soon, I was given my own chambers to build the Mediation Non-Jury (Med-NJ) Program, where I designed a unique refuge within the walls of the courthouse.

Through my work with divorce mediation, a roadmap to settling high-conflict cases was born: Recognition, Active Listening, Insight, Strategies, Evolution, or the RAISE Method.

Med-NJ is now the pioneer in the world of Alternate Dispute Resolution (ADR), and RAISE is statistically proven to bring cases to meaningful settlement and shift the paradigm from confrontational to cooperative.

As Med-NJ grew more successful, it was more challenging to balance my personal and professional life and I suffered a health crisis. This time, I realized I had new tools—the RAISE Method. Though RAISE™ was designed as a means to guide lawyers to train their clients to acknowledge their deeper interests during a pending high-conflict action, the skills are applicable far beyond the legal world. I began to use RAISE to look within and found a roadmap to mediate your life.

## How to Use the RAISE Method to Let Go of Stress

## R – Recognize the need to refine by design.

We all know what happens when we recognize our sense of self respect is injured. We put all our energy into survival mode—plotting revenge or suppressing our feelings. Coping takes its toll. Many times we are too exhausted to recognize that we are out of sync with our nervous system and on our way to burnout. Stress causes reactivity, memory loss, fatigue, and weight gain.

Recognize the need in this moment to pause and pay attention to breath, then retreat in your seat. Use a calendar as a visual aid to design your day, connecting your outer world with your inner world. Calendaring consistently will help set boundaries, create a space to recharge your inner resources, and allow you to recognize ways to structure your life.

Mindful Mediator Moment:

Don't wait until you've lost control to pause for presence. Use simple breath work, either seated, standing up, or on a walk. Lengthen your spine. Inhale and slowly say to yourself, "I know I'm breathing in," then exhale and say "I know I'm breathing out," for three or four minutes.

Begin your mornings with the scent of eucalyptus to focus your mind. Take a gentle walk in nature to quiet internal chatter. Walking mindfully, listening to birds, and observing subtle changes in the scenery will help open you up to the beauty, joy, and flow of life.

## A – Actively listen to sensations, acknowledge, and adjust with trust in yourself

Our autonomic nervous system is our brain's survival system. When we inhale, we stimulate the sympathetic nervous system (SNS), which results in an increase in heart rate. When we exhale, we stimulate the parasympathetic nervous system (PNS), which decreases how fast our heart beats. When our nervous system is out of balance, we have less control over our thinking and feeling.

When we are stressed and involved in the difficult emotions of high-conflict divorce, our autonomic system goes into flight, flight or freeze mode. Divorce requires adjustments, many of which are met with resistance. Take a deep breath and actively listen to the sensations in your body. Once feelings are acknowledged and accepted, the body relaxes back into tend and befriend mode, and there is greater access to rational thought in the prefrontal cortex. Mindfulness helps us meet change with agility.

Mindful Mediator Moment:

Before reaching for caffeine or sugar, use the stimulating breath strategy for fifteen seconds to energize, recharge, and increase alertness. Keeping your mouth relaxed, inhale quickly and exhale through your nostrils with a "HA!" three times, while optionally lifting your arms in the air to increase power.

This is a natural way to wake your body and push through difficult mornings or stressful meetings.



### I – Insight into the inner critic.

Acknowledging the presence and source of stress is an important step in increasing our well-being, but to truly make a change we have to dig deeper. Studies consistently show that mental noting, or acknowledging judgmental thoughts and feelings throughout the day, will clarify feelings. So many of us are caught up with over-thinking and social comparison. The insight into your thought process will help you become more attuned. Eventually, you'll gain greater self-awareness, and illuminate the strategies needed for support.

Mindful Mediator Moment:

Before bed, keeping a pen and paper handy will give you the ability to jot down anything you want to acknowledge and release any anger and frustration you want to let go of. You can incorporate mental noting throughout the day to give you insight and, ultimately, an opportunity to express gratitude and rid yourself of negativity.

### S – Setting strategies and finding solutions.

While we all experience stress, it affects everyone differently. Once you know what you need within, creative solutions for your own balance are designed by you and only you. There may be chaos around you, but this is one thing you can always control.

It is important to try various strategies until you find the one that works for you. With these new skills you can create a routine and strong structure to bring you closer to a vision of self-alignment. By clearly communicating our goals to ourselves, we can better communicate with the people around us.

Mindful Mediator Moment:

Use spine rotations in a seated position to energize and release tension. Try the Cat/Dog Tilt, placing your hands gently on your knees, inhaling, opening the chest, exhaling,

tucking the chin to the chest. You can twist your spine by looking over your left shoulder and looking over your right to relieve tension held in the lumbar spine.

### **E – Evolve your practice and elevate your life.**

The roadmap is made of universal principles but it is also a very personal practice. As you begin to recognize your needs, you'll steadily regain some balance of your personal and professional life. Using RAISE From Within (trademark pending), you get to mediate your own life. The deeper we delve, the greater the self-awareness.

Mindful Mediator Moment:

At the end of a long day, scan your body for tension and ride the wave of sensations. Lay on the ground, rest your hand on your breathing belly, and allow yourself to feel. In order to disengage the thinking mind, pay attention to your breath and feelings. Accept all thoughts with self-kindness. You can do this in a hot epsom salt lavender bath to simultaneously release muscle tension.

<sup>1</sup>Research by Amanda Pasternak and Mengxi (Claire) Xiong



## About the Author

**Referee Michele Kern-Rappy, Esq.** is a sought-after mediator with 34 years of experience. She has had the privilege of working as a mediator at 60 Centre Street under the tutelage of many renowned justices and mediation experts. By working simultaneously with facts, laws, and emotions, Referee Kern-Rappy designed the RAISE™ Method, which has been recognized and widely acclaimed throughout the Unified Court System of New York and beyond. Referee Kern-Rappy has extensive training and experience handling cases in different areas of the law, including matrimonial, commercial actions, employment, and personal injury, among others.

Most recently, Referee Kern-Rappy was selected to serve as an integral member of the Chief Justice's Alternate Dispute Resolution (ADR) Task Force and the Post-Covid Task Force on Attorney Wellness for the Westchester Bar. She is the former co-chair of the NYWBA, ADR section and a former board member of FDMC, the Family and Divorce Mediation Council. Referee Kern-Rappy is also a certified 200 hour Katonah yoga instructor and 200 hour Kripalu yoga teacher with a focus in mindfulness studies. She is grateful to her Katonah yoga mentor, Nevine Michaan, for her 30 years of teaching.