

Legal Mojo | *COVID-19 Potential Claims for Retailer and Hospitality*

COVID-19 “physically infects and stays on surfaces of objects or materials.”⁷ The plaintiffs also allege bad faith for the blanket denials of COVID-19 claims. In Illinois and Florida, the plaintiffs are seeking a class action on behalf of all the restaurant and bar owners.

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¹ Tex. Bus and Commerce Code Sec. 17.46(b)(27).

² Class Action Complaint & Request for a Preliminary Injunction & Declaratory Relief, *Delvecchio v. Township Sports Int'l, LLC*, Case 1:20-cv-10666, at 7 (D. Mass., filed Apr. 5, 2020).

³ *Id.* at 1.

⁴ Plaintiffs' Original Complaint and Jury Demand, *Dalton v. Princess Cruise Lines Ltd.*, Case 2:20-cv-02458-RGK-SK, at 5, ¶16 (C.D. Cal., filed Mar. 13, 2020).

⁵ *Id.* at ¶15.

⁶ See Complaint at Law, *Evans v. Walmart, Inc.*, Case No. 2020L003938 (Cir. Ct., Cook Cty., Ill., filed Apr. 6, 2020)

⁷ Complaint for Declaratory Relief, *French Laundry Partners LP v. Hartford Fire Ins. Co.*, Case No. 20CV000397, at 3, ¶20 (Sup. Ct. Cal., Napa Cty., filed Jun. 1, 2020).

Wellness | *Mindfulness and Meditation – What is It and Why Do Attorneys Need It the Most?*

Christine Rudy*

Stop. Read the next two sentences and then close your eyes. Take a deep inhale and exhale, and notice the sensations in your body, and stay here for three breaths. Then open your eyes. Congratulations! You just engaged in a mindfulness exercise.

Stress is everywhere. Everyone encounters some form of stress each day. Stress may wake you up in the morning and keep you up at night. It shows up in traffic, with family and friends, and -- especially for attorneys -- at work. Stress also finds its best friend, anxiety, and the two can overwhelm an individual, even manifesting physically in our bodies. Oh yeah, and lest you forget, we are in a GLOBAL PANDEMIC! So collectively, we are all experiencing some form of fascinating, yet terrifying, universal anxiety.

Sadly, while we cannot eliminate all the stress of our world, we can change our reactivity (while adding more nonreactivity) to stress. Mindfulness and meditation are buzz words we hear regularly. The concepts are broad-reaching. So...what is mindfulness? What is meditation? I have to sit in silence and turn my brain off? I am an attorney. My mind is literally trained to analyze non-stop. You are telling me to turn it off for 20 minutes?! An HOUR!? How is that possible? All great questions. While this article will never in its limited scope comprehensively address the topics of mindfulness and meditation, my hope is that I pique your interest, such that you at least *attempt* some form of mindfulness and/or meditation practice. Who knows, you may actually find a practice you like and incorporate same into your routine.

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Mindfulness and Meditation Defined

We speak about mindfulness and meditation together, as meditation is necessarily included as a mindfulness practice. Meditation is also one of the more well known, though not necessarily well understood, mindfulness practices. Stated simply, mindfulness is the focus and awareness of the present moment. Being exactly as you are, in the space you find yourself. It is a characteristic or a quality. A state of being.

As for meditation, according to the U.S. Department of Health and Human Services,

Meditation is a mind and body practice that has a long history of use for increasing calmness and physical relaxation, improving psychological balance, coping with illness, and enhancing overall health and well-being. Mind and body practices focus on the interactions among the brain, mind, body, and behavior.¹

Think of these concepts as tools or exercises for the mind. Just as the physical body needs to remain active to stay healthy, the mind often works itself into knots with life stressors and overthinking -- especially with attorneys -- myself included.

How do I Practice Mindfulness and/or Meditation?

Just like physical exercise, mindfulness and meditation come in many different shapes and forms. A more common physical practice associated with mindfulness and meditation is yoga. This is because yoga focuses on the link between breath and body, naturally requiring the mind to be in the present moment. I encourage everyone to at least *try* a few different yoga classes. If you have been to one yoga class and hated it, I encourage you to try again. Just like a particular attorney may not jive with a particular client, a specific yoga teacher or type of yoga may not be for you. If the thought of yoga is still appalling to you, please reach out, and I will send suggestions. Okay, I will get off my yoga soapbox.

Other ways to practice mindfulness and meditation are all over the internet. www.Mindful.org has some great articles and is an awesome place to start. Further, a simple internet search will offer infinite results. I invite you do to your own search and scroll through a couple pages to see if any one site stands out to you. Mindfulness is all over social media as well. Check out my “Christine Rudy Law” Facebook and/or Instagram accounts as a starting point. Searching “#mindfulness” on social media is also a good way to find an article, practice, or blog that speaks to you. I will also offer you one of my favorite mindfulness practices at the end of this article to get you started.

Finally, meditation in its most basic form is sitting in stillness, letting go of thoughts as if they are clouds passing in the sky, and finding comfort in the discomfort through silencing your mind. Your eyes are softened closed, and you allow the stillness to flow through you. To start, most practitioners suggest meditating for small increments of time, and then slowly increasing that length of time. There are even meditation retreats where people meditate up to ten days! While I struggle keeping a regular meditation practice myself, guided meditations are my go-to. The Calm App is another great resource that offers 10-minute daily guided meditations with nature sounds, and themes that are often so on point, it is scary. If you have not figured it out already, the biggest key to success to a beneficial practice is to seek one that works for you.

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Conclusion

Overall, each one of us has our own style. What works for one person may not work for another. Even stopping to read this article and taking a moment to inventory the stressors in your life is a mindfulness practice of its own. As attorneys, achieving perfection and ultimately succeeding is often the goal. With mindfulness and meditation, the goal is not perfection, but taking time to reflect, look within, and find some peace.

Try This “Five Senses” Mindfulness Exercise

As mentioned above, below is one of my favorite mindfulness practices. Find the full article, including this exercise, here: <https://medcenterblog.uvmhealth.org/wellness/physical/mindfulness-mindful-monday-exercise/amp/>.

Here are the steps to complete this exercise:

- First, notice 5 things that you can **see**. Look around you, and become aware of your environment. Try to pick out something that you do not usually notice.
- Second, notice 4 things you can **feel**. Bring attention to the things that you are currently feeling, such as the texture of your clothing or the smooth surface of the table you are resting your hands on.
- Third, notice 3 things that you can **hear**. Listen for and notice things in the background that you do not normally notice. It could be the birds chirping outside or an appliance humming in the next room.
- Fourth, notice 2 things you can **smell**. Bring attention to scents that you usually filter out, either pleasant or unpleasant. Catch a whiff of the pine trees outside or food cooking in the kitchen.
- Finally, notice 1 thing you can **taste**. Take a sip of a drink, chew gum, or notice the current taste in your mouth.

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¹See U.S. Dept. of Health and Human Services National Center for Complementary and Integrative Health, “Meditation: In Depth,” at 1 (April 2016) (available at <https://www.nccih.nih.gov/health/meditation-in-depth>) (last visited on November 1, 2020).