

# Mindfulness and the Law

By Jean Stevens, National Student Vice President (CUNY NLG)

Many studies have shown that the experience of law school and the legal profession are known to produce anxiety, stress, high rates of substance abuse, and feelings of competitiveness and isolation.<sup>1</sup> There are ways for students currently in law school to deal with the immediate stress and to relate to their law school experience in a way that is more healthy and grounding. A growing movement examines the links between the law, mindfulness, and contemplative practice as a way to benefit legal professionals as well as the clients they serve.

## What is the contemplative lawyering movement?

In October 2010, Berkeley School of Law held the first national conference for a growing movement of legal practitioners, *The Mindful Lawyer: Practices & Prospects for Law School, Bench, and Bar*.<sup>2</sup> Co-sponsored by the City University of New York (CUNY) Law School, the Baldy Center for Law and Social Policy at the State University of New York at Buffalo, and the University of Florida Levin College of Law, the event attracted a crowd of nearly 200 professors, judges, lawyers and students. They were all drawn by a compelling question: why are lawyers, law students and legal workers so miserable, and how can this change? “Our adversarial justice system [...] is currently a source of great violence and rupture for people attempting to resolve conflict within that structure [...] Whether divorce, personal injury, facing social injustice or criminal prosecution, the experience of many within our legal system does not create healing, reconciliation, understanding, forgiveness and love for those it serves. Neither does it support those traits in those who work within it, a fact that contributes to the unhappiness and alienation of so many lawyers.”<sup>3</sup>

Change to this system, conference attendees and others in the contemplative lawyering movement believe, lies in creating a new vision for legal education and work. Based on mindfulness, meditation and contemplative practice, this vision aims to transform the law from a culture of alienation, competition, depression, and addiction into one of compassion, shared struggle, support and satisfaction. The movement thus far has been primarily based in various pockets of law schools nationwide. CUNY Law School began its Contemplative Urban Law Program (CCULP) in fall 2001, followed by the University of Missouri-Columbia School of Law’s Initiative on Mindfulness in Law and Dispute Resolution.<sup>4</sup> Other schools introduced similar initiatives into their curriculum or campus programming, convinced that such programs will help to reduce the inevitable deep stress that arises in legal work, to provide an outlet, and to explore concepts of restorative justice and healing. An estimated 12 to 20 law schools now offer mindfulness courses, and mindfulness techniques are being integrated into negotiation, professional responsibility and other courses.<sup>5</sup> In 2011, two institutions that had been offering mindfulness classes launched broader efforts: the University of Miami School of Law began the Mindfulness in Law Program and the University of California at Berkeley launched the Berkeley Initiative for Mindfulness in Law. “For many years, [mindfulness in the law] was there, it was alive and well, but it was little pockets here and there without any real conversation being had across these pockets,” says Scott Rogers, founder and director of the Mindfulness in Law Program at Miami Law. “Then people began to come together.”<sup>6</sup>

Some have joined an initiative called “Humanizing Legal Education,” designed to explore “ways legal education is conducted, the impact those choices may have on the attitudes, values, health and well-being of law students, and the possible relationship between each of

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those matters and the problems experienced by our graduates in the profession” through courses, web discussion, conferences and research.<sup>7</sup> Studies have shown that new law students arrive to law school with certain service oriented values in place, but as their schooling proceeds, they go through a “grieving” process and resign themselves to change, ending law school with a loss of ideals and “less adaptive” values.<sup>8</sup>

The movement has even broken through to the mainstream establishment through the American Bar Association. The ABA Journal claims that at least a dozen bar associations have programs related to mindfulness, and cites programs including the DC Area Contemplative Law Group and the Mindfulness in Law Joint Task Force in South Florida.<sup>9</sup> The New York City Bar Association maintains a City Bar Contemplative Lawyers Group. These groups host workshops and classes on effective relationships, processing stress and emotions, and developing deeper meditation skills. Such mainstream acceptance demonstrates not only the undeniable benefits and transformative value of contemplative practice, but the deep need throughout the community for a transformation of legal practice.

### Mindfulness 101 -- Nuts and Bolts

So what are meditation, mindfulness and contemplative practice? Meditation is the process of quieting the mind, usually by sitting with eyes closed, focusing on the inhale and exhale of the breath, and allowing thoughts to pass through one’s mind without judgment or contemplation.<sup>10</sup> One may also meditate through other activities, such as by walking slowly, focusing deeply on each step and the breath, or by mindful eating, chewing each bite very slowly while paying close attention to the flavors and textures of the food. Meditation is just one of many forms of “contemplative practice.”<sup>11</sup> Contemplative practice is an umbrella term for behaviors and activities, engaged in by people in different forms worldwide, that allow for “deep reflection”<sup>12</sup> of one’s mind to “cultivate a critical, first-person focus, sometimes with direct experience as the object, while at other times concentrating on complex ideas or situations.”<sup>13</sup> Rather than a skill, these activities are a practice. The Center for Contemplative Mind in Society states that meditation, with regular practice, allows one to develop more creativity and wisdom, a sensitive and realistic sense of ethics, focus and stability, patience and sustainability, and compassion and empathy.<sup>14</sup> Mindfulness is a state of mind, an intentional commitment to observing the present moment, to be “mindful” of the sights, sounds, smells and tastes in a moment, and the emotional response to all of those stimuli in that moment.

Recent research suggests that the benefits of meditation do not arise from a placebo effect, but result from actual changes in the brain. Four studies in 2012 alone showed that long-time meditators, compared to non-meditators, showed greater creativity, reduced overall risk of heart attack and stroke, reshaped brains in a way to allow for faster information processing, and reduced stress in multitasking test.<sup>15</sup> Scientists have also found that improved regulation of emotion, known to arise while meditating, also exists when someone is not actively meditating thanks to reduced response in the amygdala, which controls emotion.<sup>16</sup> Several previous studies have supported the hypothesis that meditation training improves practitioners' emotional regulation.

In the legal context, “it is a method to remain grounded and centered amidst the often contentious and stressful nature of the legal profession.”<sup>17</sup> More legal practitioners are attracted to the idea that such presence, calm and focus may help them to strengthen these qualities and reduce the incredible stress, speed and hostility often present in law.<sup>18</sup> Those who practice meditation claim that it does indeed have a transformative effect on their work.

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## **Contemplative practice: Make it work for you and your school \**

To feel the benefits of contemplative practice, one must merely set aside some time each day or a few times a week to sit quietly and meditate. Some people prefer to take this time upon waking up in the morning, during a break between classes, or at night before going to sleep. One requires nothing but a tranquil space and a soft cushion or chair (no expense required!). Here are some basic tips to begin<sup>19</sup>:

- Sit comfortably with your eyes closed, feet firmly planted on the floor, back upright but not stiff, shoulders back but relaxed.
- Breathe comfortably through your nose. Feel the sensation of your breath as it flows in and out of your nostrils at the tip of your nose. To help focus further on this sensation, inhale deeply and force the air out through your nostrils. Wherever you feel the sensation most clearly and precisely is the place to focus your attention. You may also focus on the rise and fall of your stomach or chest.
- Feel the beginning, the middle, and the end of every in-breath, and the beginning, the middle, and the end of every out-breath. Notice the pauses in between. Do not worry if the breath is shorter or longer at time, or if it is erratic -- there's no way to breath "wrong." Just be aware.
- Every time your attention moves away from the breath and shifts to another sensation, sound, smell or thought, gently but firmly bring your attention back to the touch sensation of your breath. Repeat this, and try not to judge or criticize yourself. It is OK if you start over many times. Bringing your attention back to your breath is the art of being mindful, a skill you are strengthening, and a form of mental discipline.
- Continue until you reach the end of your time, whether five, 10, 30 minutes or more. Every bit helps. You may wish to set a gentle alarm to bring you out of your meditative state.

Those who meditate should be kind to themselves -- no one does this wrong! Those who feel they do not have enough time should try to identify if there is anything they can do to change their schedule or integrate these tips into their daily train or bus commute to school, after having a meal, or library study break. It may help to listen to a guided meditation available online to stream or download.<sup>20</sup>

Some students find it very helpful to form a group of students, staff and faculty at their schools to practice together. A meditation group, called a "sitting group" or "sangha," often meet a certain time and place and meditate in a quiet room together to support and guide each other. A leader may lead the group in a "guided meditation" to remind people to focus on the breath. The group may also listen to a recorded guided meditation (above). Students nationwide have also formed formal contemplative practice groups at their school, becoming recognized by the school and hosting talks, workshops and weekly sits.

## **Contemplative practice as a tool in legal practice**

While contemplative practice is primarily discussed as a tool for legal advocates to find peace and clarity in their own lives, it has become a powerful tool to assist clients in reducing pain, in healing, and reducing recidivism. "The Dhamma Brothers," streaming online, is an

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amazing documentary of the effect of a 100-hour meditation retreat inside a maximum-security Alabama prison with more than 1,500 incarcerated people.<sup>21</sup>

Studies have shown that meditation programs in prisons have contributed to recidivism and reduce addiction, aggression and anger.<sup>22</sup> In a Washington Post story on one program in a Missouri prison, an instructor said, "This is the magic...No matter how much he or she has sunk down in the mud and dust of his environment, once he has started on this path, the process itself will cleanse him of his stress."<sup>23</sup> One client, when faced with a plea deal of probation with meditation or jail, chose the former.<sup>24</sup> He said he no self-control before, but now meditation has changed that.<sup>25</sup>

## Conclusion

The incorporation of contemplation, mindfulness, and meditative practices into legal education and the legal profession can help to alleviate and manage the inevitable stress of a legal career. By setting aside time for quiet and reflective practice, law students, attorneys, and legal workers can improve their physical and mental health, process negative emotions, increase their ability to handle stress, and even assist clients. Law schools that are interested in these methods should work together to create the space and time to hold meditation sessions and trainings and tap into the emerging contemplation and the law movement.

## Further Resources

<http://mindfulnessandthelaw101.blogspot.com/>

[https://docs.google.com/file/d/1qmLK9JE98CSsKxjG5-qFgL830sp2Z\\_wbuHx-ZOiqw9D0AOe5jA1JkxV-k--8/edit](https://docs.google.com/file/d/1qmLK9JE98CSsKxjG5-qFgL830sp2Z_wbuHx-ZOiqw9D0AOe5jA1JkxV-k--8/edit)

<http://www.youtube.com/watch?v=KHGcvj3JiGA>

The Meditative Perspective: <http://www.contemplativemind.org/archives/877>

Leonard L. Riskin. *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*. L. Rev. 1 (2002).

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<sup>1</sup> See section in Part 1, *Psychological Effects of Law School*.

<sup>2</sup> The Proceedings of the Mindful Lawyer Conference. <http://www.mindfullawyerconference.org/>

<sup>3</sup> Jeanne Anselmo. History of CUNY Contemplative Urban Law Program (CCULP). <http://www.aals.org/am2006/program/balance/JeanneHistoryofProgram.pdf>

<sup>4</sup> Linda Lazarus. A Conversation with Professor Leonard Riskin about Mindfulness, Dispute Resolution, and Mindfulness Resources for Mediators (Part II). Mediate.com. <http://www.mediate.com/mobile/article.cfm?id=1736>

<sup>5</sup> *Id.*

<sup>6</sup> Becky Beaupre Gillespie. Mindfulness in Legal Practice Is Going Mainstream. ABA Journal, February 2013. [http://www.abajournal.com/magazine/article/mindfulness\\_in\\_legal\\_practice\\_is\\_going\\_mainstream/](http://www.abajournal.com/magazine/article/mindfulness_in_legal_practice_is_going_mainstream/)

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<sup>7</sup> The Florida State University College of Law.

[http://www.law.fsu.edu/academic\\_programs/humanizing\\_lawschool/humanizing\\_lawschool.html](http://www.law.fsu.edu/academic_programs/humanizing_lawschool/humanizing_lawschool.html)

<sup>8</sup> Humanizing Legal Education. Cutting Edge Law. <http://cuttingedgelaw.com/page/humanizing-legal-education>

<sup>9</sup> Beaupre Gillespie, *supra* note 4.

<sup>10</sup> The Meditative Perspective. The Law Program for Contemplative Mind in Society. 2009.

[http://www.contemplativemind.org/admin/wp-content/uploads/2012/09/The\\_Meditative\\_Perspective-4\\_09.pdf](http://www.contemplativemind.org/admin/wp-content/uploads/2012/09/The_Meditative_Perspective-4_09.pdf)

<sup>11</sup> *Id.*

<sup>12</sup> Why Contemplation Matters, and What It Achieves. Garrison Institute. 2009.

<http://www.garrisoninstitute.org/why-contemplation-matters>

<sup>13</sup> F.A.Q. The Center for Contemplative Mind in Society. <http://www.contemplativemind.org/about/faq>

<sup>14</sup> Contemplative Practices. The Center for Contemplative Mind in Society.

<http://www.contemplativemind.org/practices>

<sup>15</sup> Kate Torgovnick. 4 scientific studies on how meditation can affect your heart, brain and creativity.

<http://blog.ted.com/2013/01/11/4-scientific-studies-on-how-meditation-can-affect-your-heart-brain-and-creativity/>

<sup>16</sup> Meditation Appears To Produce Enduring Changes in Emotional Processing in the Brain. Science Daily.

<http://www.sciencedaily.com/releases/2012/11/121112150339.htm>

<sup>17</sup> The Meditative Perspective, *supra* note 9.

<sup>18</sup> *Id.*

<sup>19</sup> *Modified from* Basic Meditation Instructions. April 17, 2013. <http://www.bemindful.org/basicinstru.htm>

<sup>20</sup> Find some guided meditations here: <http://www.contemplativemind.org/practices/recordings>.

<sup>21</sup> The Dhamma Brothers: East Meets West in the Deep South. <http://www.dhammadbrothers.com/> (live, streaming and more information available on the web site).

<sup>22</sup> Nancy Cambria. From Incarceration to Meditation in Missouri. [http://articles.washingtonpost.com/2009-12-14/politics/36908719\\_1\\_transcendental-meditation-meditation-works-farrokh-anklesaria](http://articles.washingtonpost.com/2009-12-14/politics/36908719_1_transcendental-meditation-meditation-works-farrokh-anklesaria)

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*