

## PREFACE

The law is a noble profession. Never lose sight of the fact that you—as demonstrated by your interest in wanting to help resolve disputes, facilitate commerce, pursue justice, and to mend society—have not only entered a noble profession, but are yourself a noble person. Remember this, for it can be easy to forget amid the intense workload, hostility, uncertainty, and confusion you may encounter. Mindfulness, in many ways, is remembering.

You have chosen to integrate mindfulness into your study and practice of law. The mindfulness insights and practices you learn in this book will serve the important interests shared by many legal professionals of reducing stress, enhancing performance, and advancing the maturation of law and society. To better understand how mindfulness sits at the cross-section of these three interests, let us consider an important connection between mindfulness and law. Doing so may also help you sustain your commitment to a project that can be challenging at times.

My decades-long engagement in teaching mindfulness to lawyers, judges, mediators, negotiators, law faculty, and law students stems from my belief that the law itself represents one of the most powerful expressions of mindfulness: the transformation of conflict into collaboration, of confusion into clarity, and of fear into compassion. While mindfulness is certainly helpful to the mental health and well-being of legal professionals and, through this, to the efficacy of the legal system, our exploration of mindfulness begins with a poignant paradox; namely, that *the law, which itself is an expression of mindful awareness, is looking to mindfulness to help it heal*. Our endeavor is a serious one and the opportunity for transformation is as real as the challenge is great.

## THE PARADOX

The legal profession's embrace of mindfulness took many by surprise, though today it is becoming more widely accepted and respected. On more than one occasion I have heard it said that the notion of a "mindful lawyer" is an oxymoron. It is not, and the next generation of lawyers has the opportunity to address this misperception, not for the sake of itself but for the benefit of all society. For when there is a pervasive belief that those who are stewards of the rule of law—of pursuing justice for all—are themselves struggling, the promise of the law is threatened and respect for its structures diminished. As a human system, the law is as vulnerable and imperfect as those who participated in its early formation, as well as those upon whom it presently depends. So too, it is as resilient and open to transformation. You and your classmates may well be the change agents that render the phrase "mindful lawyer" redundant.

One reason for the newfound interest in mindfulness is the growing body of scientific research supporting the efficacy of mindfulness practices across a range of cognitive, physical, emotional, and social domains. That mindfulness practices can effect changes in neuroanatomical structure and function, helping to improve focus and working memory, reduce anxiety and depression, regulate emotion, curb addiction, and enhance physical health by reducing inflammation and improving immune function, helps explain this embrace and is spurring

a shift from treating training in mindfulness as a touchy-feely enterprise or relaxation technique, to one of professional development, and an accessible means to enhance well-being and optimize performance in VUCA (volatile, uncertain, complex, and ambiguous) environments.

While the law is a noble profession, it is also a competitive business that plays itself out amid a chaotic and sometimes unforgiving landscape. A career in the law places lawyers and judges in the middle of great suffering and injustice, which can test the physical and psychological mettle of even the most resilient among us. It is important to know this going in—and set expectations—and check in on yourself and your classmates and colleagues along the way. A sad irony is found in the ways that a life in the law is coming to increasingly resemble what life was like at a time when there was no formal legal system. Termed “the state of nature,” life was, as Thomas Hobbes declared, “solitary, poor, nasty, brutish, and short.”

Toiling for long hours isolated from family, friends, and other forms of social support is all too common. The need to quickly become expert in the nuance of complicated, voluminous, and sometimes traumatic and painful sets of facts as well as the complex, ambiguous, and uncertain nature of legal rulings can be overwhelming and unsettling. The needs and demands of clients, partners, and judges are often insensitive to a hard-working and conscientious lawyer’s time, energy, and well-being. And the hostile climate, at times personally threatening, and by design adversarial, can be immensely stressful and emotionally depleting, especially when experienced on a regular basis.

Thus, at least in theory, we emerged from the state of nature into a more civilized society where fundamental human rights would be respected through the development of the laws of contract, property, torts, and so on. While these rights are still evolving amid a landscape of confusion and self-centered impulses, the constitutional principles and legal doctrines upon which law is grounded express a wisdom and compassion borne out of mindfulness—of seeing things clearly. And who became the stewards of this evolved system to regulate and govern society? Chief among them were lawyers and judges. This is quite a privilege, quite a responsibility.

Many participants in the legal system are caught in states of great need—of wanting, be it money, resolution, validation, equity, compassion, justice. They are also caught in highly agitated and charged emotional states—anger, frustration, resentment, disappointment, shame, sadness, fear, anxiety, and despair. And because the law is complex, the system at times inefficient, and communication often poor, there can be great confusion, which in turn exacerbates the states of wanting—of greed and desperation, and of agitation—of fear, disconnection, and angst.

Here comes the paradox—a sad irony and a cause for hope. We find ourselves today a profession that is succumbing to the pressures and challenges that were the very conditions out of which laws emerged in the first place. Might this be a moment in time that will inspire us to inhabit more fully the responsibilities of our stewardship of the rule of law through a renewed embrace of each other as fellow human beings and members of a noble profession? We have a ways to go and can find comfort and resolve in Martin Luther King’s “The arc of the moral universe is long, but it bends toward justice.”

## A BRIEF HISTORY OF MINDFULNESS IN LAW

The history of mindfulness in law, and the ways mindfulness practices and insights may enrich the lives of legal practitioners, can be traced back to the turn of the 21st century. Below is a look at the evolution of mindfulness within the practice of law, the judiciary, and legal education.

In 1999, the American Bar Association published *Transforming Practices: Finding Joy and Satisfaction in Legal Life* (ABA, 1999) by Steven Keeva, whose monthly column in the ABA Journal offered advice on career fulfillment and personal happiness that inspired many lawyers. Keeva wrote about mindfulness at a time when few in the law had ever heard the term. In his praise for Keeva's book, Charlie Halpern, founding dean of CUNY School of Law, author of *Making Waves and Riding the Currents: Activism and the Practice of Wisdom* (Berrett-Koehler, 2008) and a leader in the mindfulness in law movement, wrote that Keeva "calls on concerned members of the legal community to launch a new spiritual conversation which could transform legal institutions and benefit the country."

Three years later the *Harvard Negotiation Law Review* convened a mindfulness symposium and devoted the better part of a law review issue to mindfulness. The lead piece was written by Professor Leonard Riskin, a prolific and influential writer in this area. Five contributing authors addressed issues ranging from the history of mindfulness in law, scientific support for mindfulness, the beneficial impact and challenge of mindfulness on advocacy, and the role of meditation in the law, all themes that would be fleshed out in the coming years. Not surprisingly one of the contributors was Steven Keeva whose article "Practicing from the Inside Out" is as relevant today as when written.

Keeva understood lawyers, their generous humanity, and the pressures they faced. He understood the rich connective fiber connecting mindfulness and the law.

To a lawyer, a law student, or someone considering applying to law school, the cultivation of a deeper and more vibrant inner life can promise a great deal, all of it compelling, much of it eminently practical. It can bring meaning and excitement to your practice; it can help you relate better with clients, and allow you to handle the pressures and vicissitudes of law practice with equanimity; it can make you a better, clearer, more focused and balanced lawyer, and in so doing enhance your value and relevance to the legal profession.

Leonard Riskin's lead piece in the *Harvard Negotiation Law Review*, titled "The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients," offered a robust treatment of the promise of mindfulness in legal education and law practice:

I wish to focus on how it can help law students and lawyers address two related problems that many of them face. The first concerns high levels of unhappiness, stress, and depression among lawyers and law students. The second concerns the tendency of some lawyers to miss opportunities to provide the most appropriate service to some clients. These problems, although they have many causes, stem in part from certain narrow, adversarial mind-sets that tend to dominate the way most lawyers think and most legal education is structured.

Though these mind-sets have great strengths, they also have drawbacks. They tend to promote egocentric behavior, excessive adversarialism, and a lack of balance between personal and professional aspects of life, which often lead to unhealthy levels of stress, to experiences of isolation, emptiness, and absence of meaning, and to the rendering of inadequate or inappropriate services.

In the years to follow the 2002 symposium, more practicing lawyers and judges became interested in mindfulness and the lawyer-founded Center for Contemplative Mind and Society would invite law students, law professors and lawyers from across the country to gather for an annual “Meditation Retreat for Law Professionals.” Momentum would build—buoyed by the growing body of scientific research on the benefits of mindfulness practices—and in 2010 “The Mindful Lawyer” conference was held at Berkeley Law, where keynote speeches by a neuroscientist and a mindfulness researcher kicked off the two-day event attended by approximately 200 lawyers, law professors, judges, and law students. Two years later Berkeley convened another conference specifically for law faculty interested in bringing mindfulness to their law schools. Many of the law faculty in attendance then are today bringing mindfulness to their law schools and contributing to the conversation on law student and lawyer mental health and wellbeing.

In 2011, a decade after the Harvard symposium, Professor Rhonda Magee published “Educating Lawyers to Meditate,” a law review article that picks up where Riskin leaves off by proffering that mindfulness can enhance professional identity, civic engagement and ethical judgment, and better prepare students to practice and to lead effectively in a changing world. She zeroes in on the deeper relationship between the legal system and contemplative practices raised at the beginning of this chapter:

The legal profession’s central role in lawmaking and leadership makes the emergence of this movement in law a key indicator of the success and breadth of the nation’s broader contemplative practice movement. Perhaps more importantly, the broader movement may well depend for its success on the continued integration of contemplative practice into the central institutions of our nation’s infrastructure, including, most centrally, law.

## MINDFULNESS ON THE BENCH

Judges sitting in courthouses across the country have played a meaningful role bringing mindfulness into the law. Some like The Honorable Alan Gold sounded a clarion call for lawyers and judges to meet to learn and practice mindfulness to help them take better care of their physical health, reduce stress, and practice law with greater civility. Judge Chris McAliley brings mindfulness into her courthouse offering weekly practice sessions for her colleagues on the bench, clerks, and court staff. Judges Laurel Isicoff and Colleen Brown introduced mindfulness programming to share with their fellow bankruptcy judges. And when Federal Judge Jeremy Fogel became the director of the Federal Judicial Center, he focused his efforts on introducing judges to mindfulness as part of their judicial education. Programs at Circuit

Court annual Bench and Bar Conferences included mindfulness panel discussions led by judges, lawyers, scientists, and mindfulness teachers on the value of mindfulness to the personal and professional lives of judges.

While it was not until the mid-2000s that judges, as a group, began to learn about mindfulness, an interesting event took place two decades earlier. In 1987, Jon Kabat-Zinn, founder of the popular and highly regarded training program called Mindfulness-Based Stress Reduction (MBSR) taught an 8-week course to a group of trial judges from Western Massachusetts. One of the judges that attended the workshop was Richard Connon. Based on his training in mindfulness, he developed and utilized the following jury instruction:

It is important that you understand the elements of the case. It is also important that you pay attention with the terminology that I became aware of some time ago of mindful meditation. Mindful meditation is a process by which you pay attention from moment to moment to moment. It is also important that you maintain an open mind, that you make no determination on this case until all the evidence has been submitted for your consideration.

These and many other judges who are contributing to the integration of mindfulness in law were similarly motivated by their own experience as students of mindfulness.

## MINDFULNESS AND LEGAL EDUCATION

Today law faculty from law schools across the world introduce mindfulness to students in a variety of ways, including teaching mindfulness meditation practices and offering group practice opportunities, infusing a short period of practice into a class, holding multi-week mindfulness workshops, offering classes that integrate mindfulness into legal substance and procedure, and inviting speakers to present on mindfulness. State and national bar associations, law firms and legal organizations also are introducing mindfulness to lawyers, law students, and judges. That you find yourself in a law school learning mindfulness from a member of your law school's faculty is a testament to the hard work and vision of a great many people. It is also a testament to you.

The legal profession recognized the role mindfulness can play in helping to support and bolster the mental health and well-being of lawyers and law students. In 2017, the ABA's National Task Force on Lawyer Well-Being noted that mindfulness—while not a replacement for therapy—may be an “effective practice to maintain personal equanimity and foster resilience in an increasingly stressful profession and distracted world.”

These are some of the themes we will be addressing in this book. As you will learn, there are now numerous bar journals and law reviews devoting meaningful space to the subject of mindfulness, bar associations offering mindfulness presentations and workshops, law schools exploring the many ways mindfulness can be meaningfully introduced to students, faculty, and staff, and law firms and legal organizations infusing it into firm retreats and professional development programming. Moreover, there are emerging networks of legal professionals interested in mindfulness, most notably The Mindfulness in Law Society, the Association

of American Law Schools (AALS) Balance and Well-being in Legal Education section, the Institute for Well-Being in Law, and organizations such as “Warrior One,” devoted to teaching lawyers to teach mindfulness to lawyers. In the United Kingdom, The Law Society has been offering mindfulness programming for barristers and solicitors, a trend now found in countries across the world with real world impact in law schools globally.

Because you are likely reading this book as part of a law school class, it is especially clear that you are not alone in this endeavor. Indeed, you are in community with law students across the globe. For decades, lawyers interested in mindfulness often felt as if they were somehow different from their colleagues, or alone in the project. Today, many on the leading edge of mindfulness in law were law students a decade ago. In the years to come you will find that you too have an important role to play in the ongoing evolution of the law. It may be in the way you practice law, in what you model to others, or in your willingness to discuss what mindfulness is and its potential impact on one’s life personally and professionally.

## FURTHER READING

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## INTRODUCTION TO *THE MINDFUL LAW STUDENT*

“I love the law. This feeling took hold relatively late in life and has yet to let go. I doubt it ever will.” These words ring as true today as when I wrote them 32 years ago when I was a 3L applying for judicial clerkships. I hope that our journey together through mindfulness will deepen or awaken similar feelings in you.

When I was a law student, my classmates and I had the good fortune to learn mindfulness and relaxation practices from Marty Peters, a gifted teacher and psychologist, who shared with us a collection of meditative practices and methods for relieving stress and clarifying the mind. I have vivid memories of sitting in a small room with comfortable chairs at the University of Florida College of Law with Dr. Peters and a handful of other law students. She instructed us to close or lower our eyes, to slow our breathing, to focus on an object we brought to mind or on the breath, and to be present for our experience.

We left the room feeling refreshed and more prepared to take on classroom discussions and the day’s readings. At other times she shared insights and tips that transformed the way we experienced the competitive pressures and overwhelming workload we all faced. How fortunate we were to have this gift made available to us while we were in law school. I am delighted to be passing on to you the fruits of what I began to learn all those years ago and have been learning, practicing, researching, and teaching in the years since.

You may have noticed that I referred to learning ways of (1) relieving stress, and (2) clarifying the mind. At the time I did not appreciate the difference. You may not either, at least not yet. Along with the mindfulness practices you will learn in this book, you will also learn techniques for relaxing and nurturing self-care, as well as how to cultivate insights that have the power to shift your perspective and help you relate more optimally to challenging experiences. Much of what I share with you derives from my ongoing study of mindfulness, including teaching mindfulness to law students, lawyers, judges, law professors, and many others over the past 25 years, including physicians, athletes, accountants, therapists, firefighters, business leaders, teachers, parents, patients, and yes, even young children.

My teaching and understanding of mindfulness have also been informed by the neuroscience research that is today assessing the efficacy of mindfulness practices. I have been collaborating in this scientific endeavor at the University of Miami with Dr. Amishi Jha, a leading mindfulness researcher, and together we have developed and researched a mindfulness training program that has been delivered in the military to Special Operations Forces, Airforce pilots, and soldiers in training and is also now being introduced to Army generals and senior military leaders. Many of the mindfulness practices I will be sharing with you have been integral to this research.

## A LIFE IN THE LAW... WITH A DOSE OF MINDFULNESS

For the past 30 years and up through this day I remain a student of mindfulness. This is what keeps it real. After graduating law school I had the privilege of clerking with two judges on three courts. I will never forget the feeling of joy and excitement of clerking for Judge Maurice

Paul in the Northern District of Florida. How thrilling to be a part of the legal system, working at it from the inside. Thereafter I had the honor of clerking with Chief Justice Rosemary Barkett of the Florida Supreme Court, who had been nominated to serve on the Eleventh Circuit Court of Appeals. Her nomination was held up for almost a year and I was able to clerk for her on both courts.

In these four years I learned a great deal about the nuts and bolts of law and decision making, as well as what makes a great judge. As thrilling as these clerkships were, they were intellectually challenging and could be quite stressful at times. The dockets were overflowing, the matters covered the gamut, deadlines were consequential, and at times people's lives were on the line. During this time I became married and my wife Pam and I had to spend our first 18 months together living in different cities because of a delay in the building of a new courthouse. Fortunately I had already been introduced to mindfulness, and that made a real difference in my well-being, the quality of my work, and the meaningfulness of our budding relationship.

If these clerkships had their "frying-pan" moments, I felt the heat of the fire when I joined a law firm and began practicing commercial litigation. There was so much to learn, surrounded by terrific role models who were busy bringing in business and managing cases, a lot of other interesting personalities, and long hours. And then added into this mix was the birth of our first child, a baby girl. Again, mindfulness practices proved to be of fundamental importance. Regardless of the curveballs that kept getting thrown at me, I was able to stay in the game and enjoy the experience (although not all of the time), including doing my best to prioritize family. I believe mindfulness made a huge difference here as well.

While practicing law, I saw many attorneys struggling with the stress and sometimes unhealthy ways of coping that is common in the law. As I began to share with colleagues what I was learning about mindfulness and the value of practicing it, it became clear that everyone pretty much understood the tendency of the mind to journey into the past and future and the impact this had on our mood, energy, and focus. Still, the idea of actually practicing mindfulness meditation either did not make sense or simply seemed too daunting.

I learned something important at this time which I believe helped explain the challenges many faced. While I had initially seen mindfulness as a way to keep stress at bay, as it became more naturally integrated into my life, I realized that the challenges I faced were the very thing that—when coupled with mindfulness and its practice—helped me to grow and mature as a human being. This larger understanding lifted mindfulness out of the relaxation-only realm and imbued it with much more meaning and promise. Counterparties with whom I had had intense and sometimes hostile encounters and communications became fellow human beings who had their own share of anxiety, sadness, and self-doubt and were struggling to stay afloat and take care of themselves and their families.

Thereafter I joined an Internet company as its general counsel and then president. This was during the dot-com era of the early 2000's, and while the adversarial process took a back seat, the pressure of growing a business was on. There was the new responsibility of developing and executing on business opportunities, managing teams, taking care of legal matters, and reporting to the CEO. In so many ways I felt out of my element. I did not have a background in business, and everything was happening and changing so fast. Uncertainty and self-doubt were coupled with excitement and fast learning.



Then our second daughter was born. There was a lot of focus on nurturing our family and trying to stay balanced and connected. It is at such moments that memories of the simple life of a law student would come to mind. Of course, the grass is always greener on the other side. With mindfulness, however, we come to appreciate that the grass is always green, especially when we take the time to notice it.

Having drunk deeply from the business well, I decided to start my own venture, sharing mindfulness with lawyers and physicians. I had mulled this over for a few years but did not have the courage or confidence to take the leap. I shared this with my dear and wise mother who was dying from a cancer that had been a source of anxiety and fear for our family for a decade. As her time was coming to an end, she shared with me the importance of not looking back on a life filled with regret over the things we did not do out of fear.

That afternoon I took the leap. This was 2007, when most lawyers and physicians had not yet heard of mindfulness, and it would be a few years before it climbed to the cover of popular magazines. With no income, writing checks on office space and advertising from savings, a trusting spouse, and two young daughters, there were days I would go to the gym to think, release stress, and often experience an intense welling-up of emotion, feeling alone and scared on the one hand and exhilarated and free on the other.

Bringing these real-world challenges and experience to my mindfulness practice somehow sustained me. It ignited courage, resilience, the occasional good idea, and an openness to the mystery of not knowing. I advertised and offered a 2-day mindfulness workshop for lawyers, billed as “Mindfulness, Balance, & The Lawyers Brain.” I had no idea if anyone would sign up and register at the Mandarin Oriental for hotel rooms and food (which had to be prepaid months in advance). Somehow, 10 curious, serious, and wonderful attorneys from around the state of Florida signed up and together we explored mindfulness in the context of practicing law and living life.

And then one day, while standing at my exhibit table (talk about getting out of one’s comfort zone) at a Florida Bar Convention, I had the good fortune to meet Janet Stearns, the newly appointed Dean of Students at the University of Miami Law School, who opened the door to bringing mindfulness into the school. That door has been open for 15 years now, and her vision and that of Dean Patricia White, offered me the opportunity to develop methods for teaching mindfulness to law students, including integrating it into classes like Mindfulness and Negotiation, Mindful Ethics, Mindfulness and Leadership, Mindfulness and Motivating Business Compliance, and Mindfulness in Law. The materials I share with you in this book, and the mindfulness training program I guide you through, has been taught in these courses and this book forms the core curriculum for the Mindfulness in Law class.

Today I have the great gift of teaching at the University of Miami School of Law and returning each year to my alma mater to share mindfulness with law students. This year Pam and I will be celebrating 30 years of marriage. Our daughters have grown up and are in college and graduate school. I wish they remembered my mother and had more time with her, as she loved them both so deeply and they loved her, but the memories of young children are often fleeting. I see my father as often as I can, for we both know how fragile this life is. Indeed, it is the fleeting and fragile nature of this life—and of the extraordinary gift of being present for it—that

speaks to the heart of mindfulness which can bring great fulfillment, delight, and a sense of purpose and meaning into our lives and into the lives of those we work with and love.

I've shared a little about me both so that you have a sense of who I am and of some of my life's experiences, and because I imagine that you and I share a lot. Above the surface our lives are different, but just a little below the ground upon which we travel is very much the same. And what is this life, after all, if not an invitation to share and to grow together.

## OUR JOURNEY TOGETHER

And so I welcome you as we embark on an exciting and important journey. Actually, you have been on this journey your whole life. Our paths are merely coming together for a short while so that we might learn from and support each other along the way. I am referring to you and me, as well as to your classmates and teachers who have an interest in mindfulness, along with those who have no idea what we are talking about.

I am interested in sharing with you ways of viewing your experiences, both pleasant and unpleasant, such that you might travel the road of greater fulfillment, satisfaction, and joy. Our mindfulness journey will at times seem counterintuitive. Deep down you may sense the truth and value of what we are doing, but at the surface you may feel undue skepticism or doubt yourself. What is the way forward? The physician and healer, Sir William Osler, has this suggestion:

Throw away all ambition beyond that of doing the day's work well. The travelers on the road to success live in the present, heedless of taking thought for the morrow. Live neither in the past nor in the future, but let each day's work absorb your entire energies, and satisfy your wildest ambition.

Throw away all ambition to satisfy your wildest ambition? If this piques your interest, if this inspires your sense of possibilities, then let us get right onto doing the day's work well.

It is my hope that you find this book to meaningfully enrich your understanding of mindfulness, to enliven your connection to the law and your legal studies, and to provide you with a collection of tools, skills, and insights that you will find useful throughout law school, your career, and in life itself. I hope also that along the way you glimpse vistas and horizons that reveal how mindfulness and the law are inextricably intertwined, along with the beauty of this connection. Though the tools and skills you will learn in each of this book's 15 chapters may seem different than those taught in a standard law school curriculum, they are in fact fundamental to the learning experience and craft of the law. As you become familiar with the language of mindfulness and the essential nature of its practice, this will become self-evident.

## STRUCTURE OF THIS BOOK

This book is divided into three parts, each consisting of five chapters. The first part, Mindfulness Elements, offers you a general overview of mindfulness, breaking it down into five

overlapping considerations: Leadership, Attention, Relaxation, Awareness, and Mindfulness. As with learning the elements of a legal cause of action, you will be learning what I regard as the elements of mindfulness. Each chapter introduces you to a new mindfulness practice so that by the end of Part I you will have learned some of the most popular mindfulness practices and have had an opportunity to practice and bring them into your day. A “Profile in Practice” highlights an attorney’s experience with the practice. Each learned mindfulness when they were a law student in a mindfulness in law class. While these are practices for a lifetime, they are also practical methods of developing greater focus, concentration, and the ability to regulate emotions while cultivating greater awareness that benefits you immediately and over the long run. You will also learn shorter practices that can be used at various times during the day.

Part II builds on your understanding of mindfulness basics and our collective interdependence with the world around us. The first four chapters on Solitude, Connection, Self-care, and Movement apply mindfulness to the ways we can connect with ourselves, each other, and the natural world to strengthen our mindfulness and support our well-being. The chapter on Movement addresses mindfulness practices that get us up out of our seats and includes a powerful method of learning about and cultivating mindfulness that will nudge you outdoors and enliven your spirit. The last chapter, Practice, will broaden your understanding of the practices you have been learning and their fundamental unity. It also provides you with creative methods of making practice less daunting, especially for if you find practice per se to be a seemingly Sisyphean endeavor. *The chapters in Part II can be read in any order, and you may find them to be useful interludes that complement the readings in Part I.*

Part III addresses the role of mindfulness in practical domains that surface throughout a career in the law. In the first two chapters, Listening and Negotiation, you will learn techniques—separate and apart from mindfulness—that can make the difference in a settlement discussion, an oral argument, or at trial. Appreciating how mindfulness enhances your ability to deliver on these helpful techniques is central to this material and can be applicable to every legal endeavor. You can *immediately* begin to test out and benefit from what you learn about listening and negotiation both in and out of law school.

The chapter on Judgment reminds us that our decision making can be compromised from time to time due to matters within and outside our immediate control. Realizing this uncomfortable reality allows us to minimize the influence of factors ranging from bias to lethargy and to learn and grow through such realization and mindfulness practice. The chapter on Creativity is a reminder of your creative genius that can find expression—especially when you trust in yourself and are curious about possibilities—in myriad forms within the practice of law. The final chapter is one I wish we could sit together to discuss. It is what the law forever points to and the trajectory of our life’s journey: Freedom. While this chapter comes at the end, freedom is to be found at every step along the way.

At the end of each chapter are a series of Trials and Takeaways. The Trials are suggestions that you may wish to explore to deepen your connection to the material. The Takeaways offer you a review of the chapter’s primary message, both to reinforce this material and to allow you to assess your level of comprehension of the material. As a concept, mindfulness can be as slippery and elusive as others learned in law school. *You will find it helpful to reflect on how what you have learned may benefit you in law school, in the practice of law, and in life.*

Of course, all this begins with your own personal journey. As we prepare to turn to the first chapter, let us first drop in on the experiences of seven fictional law students who attended a mindfulness presentation at law school.

**Alex** is a motivated and proactive 1L. A hard worker, she is productive and enjoys law school, although the intense pace leaves her feeling anxious at times. While her anxiety is not debilitating, she frequently experiences an uncomfortable tightening in her chest, tension in her shoulders, and shortness of breath. None of this is new, and she attributes it all being a Type-A person. Alex learned at the workshop that mindfulness can be helpful for anxiety, and she is keen to learn techniques for becoming less anxious.

**Rick**, in his second year, is passionate about human right's law. He has received constructive criticism on how his bursts of anger could compromise the quality of his advocacy. None of this is news to him; he is aware that he tends to become frustrated and angry when things do not go his way... but cannot seem to help himself. Rick is hopeful that mindfulness can help him cool the flames of his anger so he can be more a more effective advocate and not push people away.

**Shanice** has a job lined up with her dream law firm. The only things left to do are writing a few papers and passing the bar exam. Even though she is a superstar, feelings of doubt have always gnawed at her. She feels good about herself with each success, but then inevitably worries about whether she can keep it up. The bar exam weighs heavily on her. She does not want to let down her parents, and is afraid that if she does not pass, the firm will not want her anymore. She frequently wakes up in the middle of the night unable to fall back asleep. Shanice hopes that mindfulness can help build confidence and get a better night's sleep.

**Junko** was introduced to meditation as a teenager. Her mother, who had been injured on a ski trip, had learned mindfulness meditation to help with chronic pain. Junko always found it a bit hokey, but her mother said it helped. Although she did not meditate in college, the mindfulness presentation brought back fond memories of spending quiet time with her mother. Now in her second year, Junko feels like she is in constant motion and unable to slow down. She easily gets bored and restless, and then ends up busily doing something—anything—just to feel like she is getting something done. Exhausted, she hopes to reclaim the ability to settle down and feel a little calmer.

**Bobby** is a 2L with plans to become a public defender. They describe themselves as going with the flow and taking things in stride, but as also easily distracted. Bobby becomes bored easily, whether in class, while studying, or when working on an assignment. Having heard that mindfulness can help improve focus, Bobby wants to see if it can help them stay on task longer.

**Darius** is one of the best-liked students in the school—funny and always willing to help classmates. The excitement that brought Darius to law school waned in his second year and, while he is motivated by the prospects of a successful career, he has also felt a lack of purpose. Feelings of sadness and even despair have been popping up and sapping his energy, and some mornings he has trouble getting out of bed. Darius sees how excited his classmates are to graduate and wonders if something is wrong with him. His interest was piqued when he learned about mindfulness potentially helping with depression.

**Fareed** cannot get enough of law school. His 1L year is all he hoped it would be. He loves his classes, admires his teachers, and respects his classmates. Having taken a few years off before

law school, he knows he is there to learn, not to impress. Fareed studies hard, comes to class prepared, and feels like he is on top of things. At the same time, he sometimes finds himself feeling overwhelmed from the weight of all the work. To keep up, he often sacrifices sleep, exercise, and spending time with friends—which generally leaves him even more stressed and exhausted. Fareed is interested in seeing if mindfulness might help him find a little more balance, as the all-work approach is taking its toll with the semester barely yet begun.

Do you connect with any of these students and their interest in mindfulness? If so, there is a good chance the practice of mindfulness will be helpful to you. If you found yourself relating to all of the students in one way or another, you are not alone. Anxiety, distraction, anger, insomnia, sadness, and overwhelm are all part of the human experience. While mindfulness is not some miracle cure or panacea, it can be helpful in each of the areas raised above.

What Alex, Bobby, Shanice, Junko, Fareed, Rick, and Darius may not yet realize is that, in addition to the benefits they hope to receive from mindfulness training, they will also benefit in other ways. While this book addresses the practical concerns of finding emotional balance and success in the law, it was not written solely for these reasons. For any problem or concern mentioned above, you can find another approach with targeted treatments to help find relief. But consider the possibility that many of the ubiquitous maladies in our culture can also be addressed at a deeper level, one that gets closer to the root of our common human experience.

Mindfulness taps into this possibility. The tools and insights you will learn can be applied across a wide range of situations that will come your way. The saying that “you can’t stop the waves, but you can learn to surf” is a mindfulness lesson that points in this direction. Also, mindfulness practice can elevate and enrich even those aspects of your life that are already going well.

Like you, these students will be learning to surf the waves of life—and of law school. As you follow their experiences, you will learn with them and have an opportunity to apply their lessons and practices to your own life. To maximize the benefits this opportunity provides, play as active a role as you can. This involves field testing what you learn—in the day-to-day circumstances of your own life—and developing a regular mindfulness practice. Doing so will take time and commitment, and you may feel resistance as so many do. What will see you through is leadership. Not the leadership of a teacher, the author of this book, an attorney mentor, or even a wise friend, but the self-leadership that is yours alone to claim.