

Connection to Purpose, Law in the Service of Human Needs: Social Justice and Contemplative Practice

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Introduction - Humanistic Educational Practices at CUNY:

Twenty-three years ago the CUNY School of Law was founded with the express mission to train public interest lawyers for average people in need and a commitment to teach the skills needed to put legal theory into practice. That mandate also gave the faculty the opportunity to think broadly about needed changes in legal education and incorporate some of those ideas into how our program was taught and how the law school was organized as a learning environment.

Many of our students are attracted by our motto “law in the service of human needs” and over the last twenty years the school has managed to retain this core value of training lawyers for public service and justice seeking. The contemplative program is one among several initiatives at the law school that keep the original vision of the law school’s founders alive and relevant in an updated form, designed to respond to today’s challenges.

Our adversarial justice system currently is a source of great violence and rupture for people attempting to resolve conflict within that structure, and it is clear that new opportunities for justice seeking must be explored. Whether dealing with divorce, personal injury, social injustice or criminal prosecution, the experience of many within our legal system is that it does not create healing, reconciliation, understanding, forgiveness or love for those it serves. Neither does it support those traits in those who work within it. We all lose because of this, especially when law students are primarily exposed to these shortcomings and have little support for a new vision of working in the law. The contemplative program at CUNY School of Law is a vehicle to support a different vision and to continue the path intended by the school’s founders to pursue “law in the service of human needs.”

Our law school, through many of its programs, seeks to foster a broader sense of community throughout the institution. This is not only part of our heritage, but central to contemplative practice in general. Indeed, through a full range of services that we employ, we strive to humanize the legal education experience and practice our commitment to communitarian values in all aspects of the law school.

CUNY began its Contemplative Practices Program in 2001, literally on the eve of 9/11. This effort reflected a growing recognition among activist law students that the pressures that they face in law school would only magnify upon graduation. They also saw that where an earlier generation of students had been guided and nurtured by social ideology as well as idealism, a future generation would need a stronger internal compass, including the ability to address the needs of the human spirit in themselves, their clients, and even their adversaries.

The contemplative program at CUNY offers a refuge for students barraged by the challenges and difficulties of law school and encourages them to nurture themselves in a safe, supportive environment and to point toward that fuller potential that encompasses - but goes beyond - typical classroom learning. We offer contemplative classes to students, faculty, and staff, including cleaning staff, secretaries, and janitors, who are rarely included in most university-sponsored activities. Students and lawyers need to remember, rediscover, and nurture that core sense of justice that inspired many of them to enter the law. While this message is given voice in the classroom, external messages and inspiration can only go so far. Without some institutional recognition and reinforcement of our inner core it is very difficult to truly resonate peace and justice in the way we conduct our lives and practice our profession on a daily basis.

Our Presentation

The Challenge: Connection to Purpose: Social Justice and Contemplative Practice

The study and practice of public interest lawyering and social justice work require a deep understanding of the people and issues we are committed to serve. Contemplative lawyering enables students to achieve just that. Without skills to sustain and renew public interest lawyers, the pitfalls along this path are many - including, burnout, cynicism, addictions, disconnect from one's self/family/friends, loss of focus and effectiveness, overwhelming stress, and feelings of hopelessness. Not understanding how to work with reactions can bog us down, distort our vision, and impact our health, commitment, and practice.

The Method: Therapeutic Presence: Sustaining One's Centered Presence for Now and the Future that is Possible.

Therapeutic Presence (TP) is a practice and term found in social sciences and in organizational development. In the CUNY School of Law clinic, TP is seen as a lawyering skill that assists students and attorneys to be centered, grounded, open, aware, active, concerned and connected with one's self, one's client, and the environment. TP is not detachment, nor is it *numbing out*; rather, it is remaining as fully present as possible in the face of chaotic, difficult and challenging circumstances. Ideally, a student/lawyer practicing TP offers an empathetic presence without getting overwhelmed and deterred by the client's frustration, anxiety, fear or grief or by the environmental circumstances one is encountering. In order to counter the possible (probable) shadow side of TP (self-judgmentalism or alienation), we require that the student/attorney learn self care and how to be in touch with one's own emotions and feelings while remaining centered and grounded. In this way, the practitioner begins to work within his or her own limits and abilities while practicing being self awareness and self care.

TP requires that the student/lawyer develop:

- 1) Inner connectedness and trust in one's own inner purpose and process.

Students explore their purpose and how it connects to their studies and practice of law. Faculty foster and support an understanding of process-oriented thinking as an option to focusing solely on outcome-oriented thinking.

2) Self care and self reflection practices.

It is clear that some students react to the pressures of law school with drug and alcohol use. Self care education and self reflection practice offer a professionally-based avenue for recognizing the impact that unhealthy life style practices have on one's abilities. This dimension also adds to the humanizing of the law school environment. Methods include breathing and awareness practices as found in mindfulness meditation, yoga, chi gong energy practices, biofeedback, and applied psychophysiology, focusing, and movement.

3) Creating a Safe and Supportive Environment.

Creating safety and trust is not only an inner capacity but also the ability to create as much safety and trust as possible in any given situation and circumstance. The capacity that a student/attorney develops to become aware of the client's needs and issues for environmental safety can directly impact the client's ability to do and be his or her best during the legal process. The clinic offering supports this dimension of TP by teaching that both students and faculty are in the process of becoming their aspirational model.

Other Contemplative Programs at CUNY will be illustrated in a video. They include some of the following.

Developing Your Inner Credentials: *SKILLS FOR SUSTAINING YOUR VISION AND COMMITMENT ON THE PATH OF PUBLIC INTEREST LAWYERING AND SOCIAL JUSTICE*

A Clinic Based Cross Cultural Mini Course

All third year students at CUNY take a clinical class from the various practice areas that we offer. They include Battered Women's Rights, Criminal Defense, Elder Law, Immigrant and Refugee Rights, International Women's Human Rights and Mediation, and two concentrations, Equality (Civil Rights) and Health Law.

Recently the clinical faculty expanded these offerings by adding a cross-clinic elective focused on contemplative skills called *Developing Your Inner Credentials: Contemplative Practice for Social Justice Lawyers*. This seminar meets four times a semester. It focuses on the application of contemplative practice skills in both our inner life and professional work. It has included a brief meditation practice with each class as well as group dialogue on ways that we have engaged our practice. These contemplative "rounds" integrate traditional case discussion methods familiar to most clinical students, but add a specific focus on the integration of inner self-development with that work. We also explore emerging models of justice and the law that need further exploration and integration into our contemplative work.

The focus of the course is to help clinic students apply contemplative practice to their work in their clinic assignment with real clients so that these skills can also be transferred to their life in practice. We draw on the skills, experience, and background of the faculty, all of whom have long standing personal contemplative practices which they have used in their life and work in the

field of social justice and students, many of whom bring contemplative practices from their respective cultures to this class.

This course includes:

- Experiential learning techniques, including role plays;
- Contemplative practice readings;
- Personal development and lawyering skills development;
- Group work (dialogue, teaching, and contemplative class practice);
- Individual mentoring sessions with the faculty and a group retreat;
- Personal practice through journaling;
- Guest speakers and panel presentations;
- Video and audio tape teachings and documentaries;
- Regular review of the impact of the class teaching on student clinical work;
- Exercise for stress reduction,
- Mindfulness practice;
- Yoga, (offered as a separate course but referred to in the seminar);
- Quaker listening practice;
- Deep listening;
- Non-violent communication;
- Community building strategies;
- Therapeutic presence work.

Our Progress to Date:

Last year the students formally organized a student organization entitled CCULP (the CUNY Contemplative Urban Law Program), as the main student organization for a variety of activities, including a major talk and film presentations. The question for many socially engaged young lawyers today is how to retain a moral core and vision in their practice while being part of a profession that has served the interests of both the best and worst of our society. Contemplative practice can provide valuable tools for improving individual health, insight, and self-reflection; we emphasize focusing this emerging insight and awareness on the challenge to reinvigorate, and in many ways reinvent, the many social justice movements in the law that our students have historically served.

Of course contemplative lawyering is not a panacea, but it can become an important model to empower a new generation of law students and lawyers to see themselves, their world, and their profession in a vastly different way from the mainstream of legal education. We believe that learning to cultivate the capacities of mind that are found in meditation and similar practices can be integrated into the law school and afford a law student or lawyer many benefits that create a broader underpinning for the complex professional demands they are encountering as they begin their careers.

Students and faculty recently have reached out to the broader community of contemplative practice through contacts with the Contemplative Mind in Society, Renaissance Lawyers, the India Vision Foundation, and Spirit Law Politics. Last year the students formally organized a

student organization entitled CCULP, the CUNY Contemplative Urban Law Program as the main student organization for a variety of activities, including a major talk and film presentation on the use of meditation in prisons and police training in India and invited Dr. Kiran Bedi who spearheaded this reform in India. CUNY later co-sponsored a presentation of this event at the United Nations and began discussions with the John Jay Collage of Criminal Justice to explore research possibilities in the fields of meditation, police training and prison reform. Faculty, students, and staff are continuing to integrate mindfulness practices into their course work in meaningful ways by beginning classes with breathing or music. CCULP has faculty advisors who routinely participate in the weekly meditations and one faculty member has experimented with Chi Gong stress reduction exercises and brief meditations to help students relax and clear their mind before class. This year CCULP offered its first overnight retreat. Twenty-one of our students, grads, faculty, CLRN members, and staff attended. Since our program is non-denominational and multi-traditional, CCULP recognizes that there are many vehicles and paths to one's inner connectedness. Therefore, this retreat was co-lead by students from many traditions and practices, which included Native American, Islamic, and Quaker and the arts of music and dance, along with mindfulness practice.

Summary Programs and Practices at the CUNY School of Law

In addition to the programs of the Contemplative Urban Law Program, we have designed a number of other programs and practices that are addressed to making the Law School a more welcoming, caring environment for students, staff, and faculty and to enabling students to develop the capacity to find peace and strength within themselves to deal with the stresses of law school and of practice, especially public interest practice.

The ways we promote healthy environments and build skills for school and the practice of Law include:

1. **A Law School Community:** We see the Law School as a community and include in the concept of community the support staff, custodians, administrators, faculty, and students.
2. **A Community of Learners:** We have designed the curriculum and curricular policies to create an atmosphere where students are encouraged to see one another as allies with common goals. We do not rank our students, we have no curve and first-semester grades are listed as pass/fail on the transcripts.
3. **Orientation:** One clear goal of our orientation program is to prepare students for the stresses in the educational environment and to identify the resources that are available to them to develop coping skills when they are feeling stress.
4. **Counseling:** We offer both individual and group counseling. We have a professional counselor who is at the law school 30 hours a week, on call 24-7, and very responsive both to personal and institutional crises or developing issues. We provide support through professionally run groups for people recovering from cancer, managing parenting and law school, law students with partners/significant others (which includes the partners), caregivers for people with cancer and other chronic illnesses), and one-time sessions at high stress times (e.g., dealing with stress during the exam period, dealing with the disappointment of failing the bar exam).
5. **Classroom Environment:** All first year students have small sections for learning both doctrinal and lawyering skills. Some of our faculty begin their classes with music to creating a welcoming, calming classroom that enhances learning.
6. **Labyrinth:** We have one in our “backyard” and we annually do a session on the history and uses of the labyrinth as a path to stress reduction and renewed intentionality.
7. **Collaborative Skills and Joint Work:** The Law School values and teaches collaboration as a necessary skill for public interest lawyers.
8. **Teaching Students About Client-Related Stresses:** Our clinic students receive instruction on trauma and the effect that stressful stories can have on the lawyer and what the lawyer can do to reduce the stress. We introduce them to stress reduction techniques of breathing and other contemplative techniques as well as encourage a commitment to reflection as a way of learning and managing practice.
9. **Alerting Students to Professional Resources:** In our first year professionalism program, we introduce our students to the Lawyers’ Assistance Program, a program designed to deal with issues of alcohol and drug addiction in the profession.
10. **Connection to Mission:** All of our work is addressed to helping students be excellent public interest lawyers and to developing in them increased capacity to reflect on their work and find a meaningful relationship between their learning and the work they want to do.

Voices of Students:

3L in Criminal Defense June 8, 2005: Through CULP, I have come to envision the practice of law as a component of the art of healing. To me this is revolutionary. I found the courage to come to law school in the notion that I had the “fight” in me to represent people faced with criminal charges. CULP has offered, through yoga and meditation, and through facilitation of dialogue between community and international leaders in the struggle for a more humane criminal justice system, a way to maintain the fight, to nourish the fiery spirit of resistance, while understanding that each player in the system, including defense attorneys, prosecutors, defendants, complainants, and judges, are equally involved in and suffer in equal measure from this system. This understanding may have saved my life.

1L November 2005: For most of the semester, I have been struggling with that inner purpose and how the reality of law school has conflicted with that purpose. Most of the time I feel that I have lost sight of that purpose. But, I have no doubt in my mind that CCULP has played the largest role in consistently helping me re-find that purpose and remember why I came here in the first place. I have participated in the weekly meditation sessions since the beginning of the semester, and I can't imagine what school would be like without the support and compassion that CCULP provides.

2L 2005: This is my second year at CUNY School of Law, and I doubt I would have been able to hang in here with any measure of success if it had not been for meditation. Law School is a stressful time, and working for social justice can sometimes feel like an uphill battle. This makes the ability to disengage from the stress and recharge my energy vital to my ability to help myself through law school, and in turn help advocate for social justice.

1L 2005: This program has meant so much to me during the last few months. At the very beginning of the semester, I was so grateful that this school offered this amazing opportunity to help hold sanity and peacefulness within myself amidst such chaos all around me externally. In my first semester of law school I was told was going to be pushed harder than I'd ever been pushed, and it caused me such extreme and constant anxiety. I was so glad to have this community to share all of this with. Even though I did not attend every session, just knowing it was there helped.

3L 2005: Law schools, even those in service of human needs, are adversarial, stressful and hostile at best. Even those of us who have completely assimilated into this “legal culture” find ourselves to be at times (if not often) disempowered, silenced and defensive. We feel the panic, the worry and helplessness in the pit of our stomach and as we frantically begin to run out of the law school door we suddenly hear a voice calling us to go into space of “non-doing” the practice of quieting our mind and watching our thoughts and emotions.

2005 Grad: I first started doing meditation in the fall semester of my third year when I started doing my clinical concentration work. This work was extremely challenging, and also struck a nerve psychologically because it concerned employment discrimination, something that altered my life before I started law school. Meditation helped my focus on the work when things seemed out of control due to the workload, deadlines, and the pressure involved with the fear of

making mistakes. Learning how to take things one step at a time was integral to my focus and had a significant impact on my stress management. Physically, the meditation sessions helped my body feel good, healthy and at peace which was really needed.

2005 Grad: I went to law school because I am deeply committed to issues of social and economic justice. I chose to go to CUNY because of its supportive and unique environment in helping students pursue public interest law. Supportive is the key word - I did not want to lose sight of the reason why I went to law school in the first place. CCULP not only became my haven and support network, but it taught me how to support myself in stressful situations. This became critical when studying for the bar exam. Law students can often encounter doubts and negative thoughts about their own abilities to succeed. The general air of negative thinking can compound itself in a way where the bar exam becomes an almost insurmountable obstacle. The meditation sessions and support from CCULP helped to change this type of thinking.