

AALS Annual Meeting 2006

**Panel on Contemplative Practices**

OUTLINE

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**I. Introduction--How I came to meditation/contemplative practice**

The Project for the Study and Application of Humanistic Psychology in Law—an earlier effort to humanize legal education—the importation of meditative practice in the 60s and 70s.

When I became founding Dean of the City University of New York Law School, I took up meditation in order to deal with the stress of a difficult job.

While this was helpful to me personally, I now wish that I had introduced meditative practice to the novel CUNY program. The meditative perspective would have been valuable to students and aided the balanced growth of the CUNY community.

As President of the Nathan Cummings Foundation, I had an opportunity to work closely with some leading meditation teachers, including the Dalai Lama, and to support their efforts. I introduced meditation retreats for lawyers and law students. I also deepened my own meditative practice, which has had a profound impact on my life.

**II. Defining contemplative practice and Meditation**

Broadly defined, a contemplative practice is any activity that quiets the mind in order to promote equanimity and cultivate the capacity for insight. *Mindfulness meditation* is a powerful contemplative practice that is simple to learn and incorporate into one's daily routine. Mindfulness meditation is cultivated mainly through the practice of quiet sitting, with focus on breathing, not repressing thinking or emotion but simply allowing it to come and go within the field of awareness. Once such a practice is established it can be applied in informal ways during the day. Its essence is simply being fully and nonjudgmentally present with what happens, on a moment by moment basis. With practice over time, mindfulness meditation fosters a new relationship to our thoughts and emotions. There is more choice and flexibility in our thinking and feeling, and an increased capacity to embrace paradox and opposing viewpoints without losing balance or focus.

While meditation draws heavily from Buddhism, it exists in many religious traditions and it is frequently offered in a secular form, free from ritual and specific cultural or religious reference.

Recent scientific research has documented the ways in which meditation affects processes in the brain; and meditation is becoming a more widely understood practice.

**III. The Law Program at the Center for Contemplative Mind in Society**—see the website: [www.contemplativemind.org/programs/law/](http://www.contemplativemind.org/programs/law/) ; and contact Douglas Chermak, Law Program Coordinator, [d\\_chermak@yahoo.com](mailto:d_chermak@yahoo.com)

While at the Cummings Foundation, in 1995, I helped to establish the Center for Contemplative Mind in Society, a 501(c)(3) non-profit organization which works to integrate contemplative awareness into contemporary life, in order to help create a more just, compassionate, and reflective society.

One of our first areas of interest was the law program. We established a series of meditation retreats for law students at Yale Law School, involving professors Harlan Dalton and Robert Burt.

Meditation retreats for lawyers have been held on the east and west coasts. The next retreat is in California, April 20-23,2006, at Spirit Rock Meditation Center. See [www.spiritrock.org](http://www.spiritrock.org), for information and to register. Registration is open to lawyers, professors, judges, mediators, and students.

A number of initiatives have brought meditation into the legal world:

- Meditation groups at Boalt, CUNY, Hastings
- Professor Leonard Riskin's initiatives at the University of Missouri Law School
- The Harvard Symposium on Mindfulness Meditation, organized around Professor Riskin's seminal article in the Harvard Negotiation Law Review (Spring 2002)
- The courses being offered, such as Professor Calloway's course in Contemplative Lawyering at the University of Connecticut Law School
- The CUNY Law School program

Meditation on campus: The Center's Fellowship Program – over 100 fellowships awarded to faculty members (including law faculty) to teach courses in various disciplines relating to contemplative practice; see recent story in the Chronicle of higher Education, <http://chronicle.com/free/v52/i09/09a01001.htm>

#### IV. The Meditative Perspective

The meditative perspective is the outlook that gradually develops through the thoughtful application of meditation practice to law practice, legal education, and our daily living. The meditative perspective connects the increased inner sensitivity that meditation practice brings with our activity in the world through work and relationships. By becoming more aware of ourselves through meditation, we become more aware of others, eventually gaining a deeper appreciation and understanding of the texture of our interactions in the world. We begin to see ourselves and our work in a wider context.

The following summary of the meditative perspective was developed by the Bay Area Working Group—a dozen lawyers, judges, professors and students-- that has met monthly over the past three years with Norman Fischer, the former abbot of the San Francisco Zen Center. We undertook to identify the *benefits* we have drawn from the meditation perspective in our work in the law:

- **Patience and sustainability.** The meditative perspective changes problems into challenges, and strengthens vigor and commitment. It helps us to approach situations with a fresh perspective.
- **Wisdom.** The meditative perspective helps us to see things as they are, not as we wish they were. Consequently our decisions come from a more expansive place of understanding.
- **Passion.** The meditative perspective helps us to transform anger and self-righteousness into energy to serve one's clients and justice.
- **Honest self-reflection.** The meditative perspective fosters honesty with our experience and relationships. It makes denial, distraction, and the demonization of others more difficult.
- **Calmness.** The meditative perspective promotes stability and calmness. We can know and understand our emotions rather than be victimized by them.
- **A sensitive and realistic sense of ethics.** With the meditative perspective we become more aware of the discomfort that comes with unethical conduct, and resolved not to allow it. Confidence in this brings courage and strength.
- **Integrity** in the midst of complex situations. The meditative perspective helps us to hold and maintain a clear vision of the values we are trying to promote in our work in the law. It helps to ground us in these values.
- **Compassion.** The meditative perspective helps us to appreciate on a visceral level the interconnections between people. It promotes empathy with clients, colleagues, opponents, and neutrals. It heightens sensitivity to suffering and opens the heart, allowing us to engage fully with difficult situations and handle them with a greater sense of ease.

- **Focus.** With the meditative perspective we are less obsessed with a stressful emphasis on achievement, so there is more moment to moment focus on every situation, whether it is drafting a document, talking on the phone, meeting with a client or co-counsel, or speaking in court. Such clear and focused presence enhances effectiveness.
- **A whole life.** Lawyers who are influenced by the meditative perspective bring to their work the values and styles they hold in their personal and spiritual lives. For them it is neither desirable nor possible to conduct themselves professionally in ways they would find uncomfortable in their private lives.
- **Awareness.** The meditative perspective heightens our awareness of our own condition and that of others; of our own needs and motivations and the needs and motivations of others; of the total situation in which we find ourselves.
- **Skillful listening and communicating.** The meditative perspective promotes empathetic and accurate listening. We listen better to clients, colleagues, opposing counsel, judges, and ourselves. With listening comes clearer and more effective communication.
- **Creativity.** The meditative perspective, in promoting flexibility of mind and heart, and the ability to let go of habitual patterns when necessary, allows us to open to novel strategies to solve problems and accomplish objectives.

V. **The Elements of a Contemplative Law School Program** – how to make a contemplative option available to students, faculty and alumni:

- Encourage the practice of stillness and reflection, highlighting the connection between such practice and effective work in the law
- A physical space, reserved for silent meditation and reflection
- Support for meditation groups-- weekly meetings and retreats
- Course offerings on law and meditation, integration into clinical programs
- Outreach to alumni
- Exploration through scholarship and convening meetings of interested people on the implications of the meditative perspective for law and lawyers
- Impacts: a more contemplative community; focus on the values of reflection and introspection; imparting an invaluable skill for lawyering