

Contemplative Practices in Law Schools*

by

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Prepared for the Association of American Law Schools Workshop on
“A Search for Balance in the Whirlwind of Law School”
Jan. 4, 2005, Washington D.C.

To accompany a presentation at the second plenary session, “Finding Balance,” and
the afternoon concurrent session, “Contemplative Practices”

I. The Meaning and Varieties of Contemplative Practices.

“A contemplative practice is a practice undertaken with the intention to quiet the mind and to cultivate a personal capacity for deep concentration, presence, and awareness. Ideally, the insights that arise from the mind, body, and heart in this contemplative state can be applied to one’s everyday life”

(Website of Center for Contemplative Mind in Society)

Examples include: meditation, yoga, T’ai Chi, Qi Gong, contemplative prayer, labyrinth.

II. Mindfulness Meditation (a.k.a. insight meditation, vipassana meditation)—the Contemplative Practice Most Widely-Available in Law Schools, Commonly Offered in Connection with yoga and other contemplative practices.

A. What it is. A method of deliberate, moment-to-moment attention, developed by the Buddha some 2500 years ago in India, which has become popular in the West in recent years. It is practiced by people from many religious traditions and in secular settings, including sports, business, education and the legal profession.

B. How it works. Practitioner develops the ability to concentrate, then learns to observe, without judging, her bodily sensations, emotions, and thoughts and the operation of her mind. Learns this in meditation, then applies it in everyday life.

* Copyright (c) 2006 Leonard L. Riskin. This draws upon and updates Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Benefits of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 HARV. NEGOT. L. REV. 1-66 (2002), which appeared in a symposium on *Mindfulness in ADR and Law*. A webcast of the live symposium, held at Harvard Law School in Mar. 2002, is available at http://www.pon.harvard.edu/news/2002/riskin_mindfulness.php3. For a collection of materials on this topic, see the webpage for the Initiative on Mindfulness in Law and Dispute Resolution, <http://www.law.missouri.edu/csdr/mindfulness.htm> and sources listed under Resources, below.

C. Potential Outcomes**Bin General.** Relief of stress; development of self-awareness, empathy, compassion, equanimity, happiness; clarification of values; improvement in ability to concentrate and to deal with pain. Can help law students feel better and perform better.

IV. Mindfulness in Law Schools (often offered in conjunction with other forms of meditation and other contemplative practices)

A. In for-credit law school courses. Selected current examples:

University of Connecticut: Contemplative Lawyering, (Deborah Calloway); **Hastings:** Negotiation (Daniel Bowling, dbowling04@earthlink.net); **Howard:** Mediation (Joyce Mitchell, jmitchesq@aol.com); **University of Missouri-Columbia:** Understanding Conflict (Leonard Riskin); **William Mitchell,** Beyond Listening: Skills Essential to the Practice of Law and Managing Conflict (Nan Schwappach, Schwanan@aol.com); **Washington & Lee:** Advanced Negotiation, (Larry Hoover, hooverL@adelphia.net).

2. Non-Credit. Courses or Activities

a. Mindfulness-Based Stress Reduction Courses at the **University of Missouri-Columbia** (Leonard Riskin) and the **University of North Carolina.** (Eric Muller)

b. Regular sitting groups at **U. C.-Berkeley** (Contact Charles Halpern crhalpern@earthlink.net or Doug Chermak d_chermak@yahoo.com) and **U. Missouri-Columbia** (contact Leonard Riskin; U. North Carolina (Eric Muller)..

c. Various offerings for students at **Harvard Law School.**

d. Retreats for students from **Yale, Columbia, and Berkeley.** (Website of Center for Contemplative Mind in Society)

III. Other Contemplative Practices In Law Schools

CUNY has offered the labyrinth and yoga practice, in addition to meditation. (Contact Fred Rooney); **Southern Illinois:** the “relaxation response” in Property, Commercial Law, and Business Planning (Contact Gregory Duhl).

IV. Outside of Law School: Contemplative Practice Opportunities for Lawyers

A. Organized Mindfulness Instruction and Practice in Law Firms: E.g., **Nutter, McClennan & Fish** (Boston, Contact Geoffrey Hargraves-Heald)); **Leonard, Street & Dienard** (Minneapolis, Contact Robert Zeglovitch).

B. Lawyering, Negotiation and Mediation Training based on Mindfulness.
(See Forthcoming Events, VI, infra and websites of Center for Contemplative Mind in Society, Harvard Negotiation Insight Initiative, and Initiative on Mindfulness in Law & Dispute Resolution at the University of Missouri-Columbia School of Law.)

A. Retreats for Lawyers. (See website of the Center for Contemplative Mind in Society Law Program.)

V. RESOURCES

Organizations & Websites (See for links to other programs).

Center for Contemplative Mind in Society, 199 Main St., 3rd Floor, Northampton, MA 01060. (Contact Mirabai Bush, executive director, or Doug Chermak, law program director, at 510-597-1650; email: d_chermak@yahoo.com [Http://contemplativemind.org](http://contemplativemind.org))

The **Center for Mindfulness in Medicine, Health Care, and**
[Http://www.umassmed.edu/cfm](http://www.umassmed.edu/cfm)

Harvard Negotiation Insight Initiative, Program on Negotiation at Harvard Law School. Contact Erica Fox, at Efox@law.harvard.edu. <http://www.pon.harvard.edu/hnii>

Initiative on Mindfulness, Law and Dispute Resolution, University of Missouri-Columbia School of Law, <http://www.law.missouri.edu/csdr/mindfulness.htm>.

Books and Articles

Bringing Peace into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution (Daniel Bowling & David Hoffman, eds. Jossey-Bass 2003).

Joseph Goldstein, *Insight Meditation: The Practice of Freedom* (Shambhala 1994) (*Highly recommended for basic introduction to mindfulness.*)

Henepola Gunaratana, *Mindfulness in Plain English* (Wisdom 1992) (*Highly recommended for basic introduction to mindfulness.*)

Jon Kabat-Zinn, *Full Catastrophe Living: Using the Wisdom of Your Mind to Face Stress, Pain & Illness* (Delta 1990).

Jon Kabat-Zinn, *Wherever You Go, There You Are: Mindfulness in Everyday Life* (Hyperion 1994). (*Highly recommended for basic introduction to mindfulness.*)*

Steven Keeva, *Transforming Practices: Bringing Joy and Satisfaction to the Legal Life* (Transaction Books, 1999).

Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students and Lawyers and their Clients*, 7 *Harvard Negotiation Law Review* 1-66 (June 2002) (the centerpiece of a Symposium on

Mindfulness in Law and ADR). A webcast of the live symposium held at Harvard Law School in March 2002 is available at http://www.pon.harvard.edu/news/2002/riskin_mindfulness.php3.

Leonard L. Riskin, Mindfulness: Foundational Training for Dispute Resolution, 54 Journal of Legal Education 79-91 (2004).

Leonard L. Riskin, Mindfulness in Negotiation, in Negotiation, in THE NEGOTIATOR'S FIELDBOOK (Christopher Honeyman & Andrea K. Schneider, eds., ABA, forthcoming 2006).

Leonard L. Riskin, Awareness in Law Practice, in THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION __ (Marjorie Silver, ed., Carolina Academic Press, forthcoming 2006).

Audiotapes

Mindfulness Meditation Practice Tapes with Jon Kabat-Zinn, and Saki Santorelli, Melissa Blacker & Florence Meyer are available through <Http://www.umassmed.edu/cfm>

The Dharma Seed Tape Library, <http://www.dharmaseed.org/>, offers a variety of audiotapes and videotapes, including some intended for beginners.

VI. Forthcoming Events

From the website of the Initiative on Mindfulness in Law and Dispute Resolution, www.law.missouri.edu/csdr/programs/mindfulness

Northern California, April 20-23, 2006, Lawyers Retreat, Spirit Rock Meditation Center, Woodacre, West Marin County.

Http://www.spiritrock.org/html/residential_calendar.html

Sponsored by Center for Contemplative Mind in Society Law Program.

<Http://www.contemplativemind.org/programs/law/links.html>

Malibu, California, June 22-24. Mindfulness for Dispute Resolvers: Negotiators, Mediators, Lawyers, Managers. Taught by Leonard Riskin (MU School of Law) and Rachel Wohl (Maryland Conflict Resolution Organization, Maryland Supreme Court). Pepperdine University Institute for Dispute Resolution. <http://law.pepperdine.edu/straus/>

Cambridge, Mass., June 25-29. Mindfulness for Dispute Resolvers: Negotiators, Mediators, Lawyers, Managers. Taught by Melissa Blacker (Stress Reduction Program, University of Massachusetts Medical School) and Leonard Riskin (MU School of Law). Sponsored by the Harvard Negotiation Insight Initiative, Program on Negotiation, Harvard Law School. <Http://www.pon.harvard.edu/hnii>.

July 17-21, 2006, Admont, Austria. Second International Summer School on Business Mediation. Sessions related to mindfulness by Ken Cloke, Erica Ariel Fox & Leonard Riskin. [Www.ISBM.at](http://www.ISBM.at).

St. Louis, MO., March 16-17, 2005 (dates tentative). **Negotiation and Mindfulness**, led by Leonard Riskin (MU School of Law) & Daniel Shapiro (Harvard Law School). To be scheduled. [Http://www.law.missouri.edu/cle/programs.html](http://www.law.missouri.edu/cle/programs.html), or contact Sandra Kubal, kubals@missouri.edu or 573-882-8084.

Columbia, MO., National Conference on Mindfulness in Law, Fall 2006 (to be scheduled).

Continuing Activities and Resources appear on the website of the Initiative on Mindfulness in Law and Dispute Resolution., www.law.missouri.edu/csdr/programs/mindfulness.