

# The Reflective Lawyer

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 Well-Being Courses and Programs in Legal Education

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## Overall themes for course:

“You can’t  
 stop the  
 waves, but  
 you can  
 learn to  
 surf.”

-- Jon Kabat-Zinn



Designing a life to live it well:  
 It’s a life-long process,  
 like learning and practicing law.

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## Learning Outcomes

- ▶ Employ on-going self-reflective practice (SRF - mindfulness or other contemplative practice)
- ▶ Demonstrate how SRF supports good communication, positive relationships, health and well-being
- ▶ Analyze role of SRF in competent and ethical practice of law
- ▶ Identify own professional strengths & opportunities for improvement
- ▶ Design a framework and plan for living own life well (self-defined)
- ▶ Set own learning outcomes for course (self-development and self-directed learning)

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## Format

- ▶ 3-credit, upper-level elective, graded, once-a-week class
- ▶ First part of semester (8 weeks):
  - ▶ Formal MBSR curriculum (Mindfulness-Based Stress Reduction)
  - ▶ Meditations, exercises, readings
  - ▶ Topics: stress response; reacting v. responding; noticing habitual patterns; coping with distractions; management of energy, space, time, and attention; communication styles; interpersonal and social skills; self-care; reframing and resilience; underlying research and science
  - ▶ One-day retreat
- ▶ Remainder of semester (6 weeks)
  - ▶ Professional ethics, values, and virtues; professional role & responsibilities (to self, clients, colleagues, and community/society)
  - ▶ Emotional and social intelligence
  - ▶ Cultural self-awareness and implicit biases
  - ▶ Personal sense of meaning and purpose in life
- ▶ Discussion, exercises, and journaling related to experiences and assigned readings

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## Relationship among mindfulness, reflective lawyering, and professional competencies & characteristics

- ▶ Top 10 foundations categorized as necessary right after law school

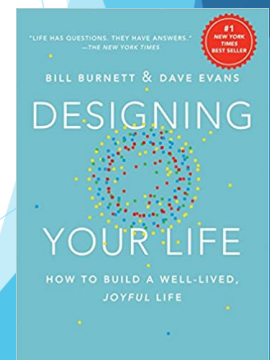
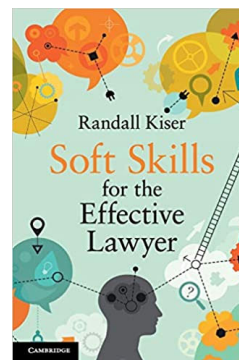
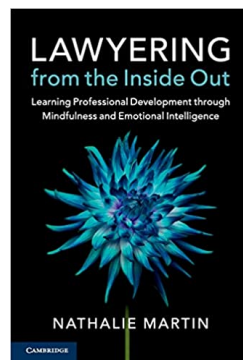
• Institute for the Advancement of the American Legal System, *Foundations for Practice: The Whole Lawyer and the Character Quotient*; <https://iaals.du.edu/publications/foundations-practice-whole-lawyer-and-character-quotient>

Percent Indicating Necessary in the Short Term	Type	Category	Foundation
96.1%	Professional Competency	Professionalism	Keep information confidential
95.4%	Professional Competency	Professionalism	Arrive on time for meetings, appointments, and hearings
93.7%	Characteristic	Professionalism	Honor commitments
92.3%	Characteristic	Qualities and Talents	Integrity and trustworthiness
91.9%	Professional Competency	Emotional and Interpersonal Intelligence	Treat others with courtesy and respect
91.5%	Professional Competency	Communications	Listen attentively and respectfully
91.0%	Professional Competency	Communications	Promptly respond to inquiries and requests
88.4%	Characteristic	Qualities and Talents	Diligence
88.1%	Characteristic	Passion and Ambition	Have a strong work ethic and put forth best effort
87.8%	Characteristic	Qualities and Talents	Attention to detail

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## Requirements and assignments

- ▶ Weekly readings - see syllabus
- ▶ Weekly reflection journal entries
- ▶ Final paper

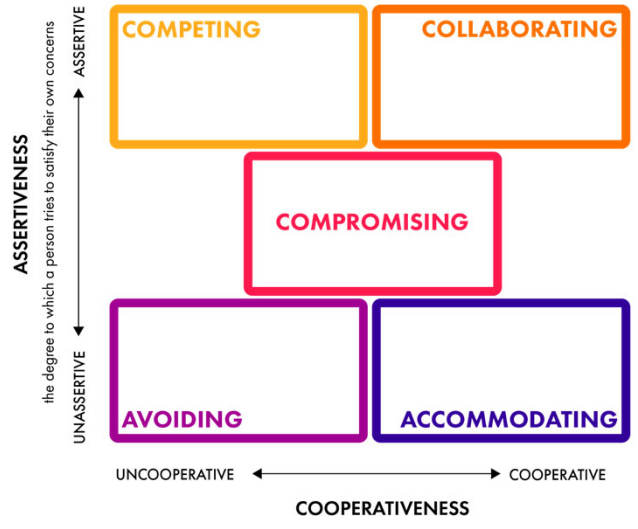


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## Lots of self-evaluations



## Living an Integrated Life:





the degree to which a person tries to satisfy their own concerns  
the degree to which a person tries to satisfy other people's concerns  
<https://www.psychometrics.com/assessments/thomas-kilmann-conflict-mode/>

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## Empirical study of impact of MBSR training on law students; outcomes:

- ▶ Lowering stress and increased focus
- ▶ Increases in reappraisal and resilience
- ▶ More mindfulness/less judging of inner experience/lowering reactivity
- ▶ More self-compassion - less inner critic (negativity)
- ▶ More self-acceptance and personal growth (increased scores in psychological well-being)



  
**PLANTING THE SEEDS OF WELL-BEING**  
*It Starts in Law School*

C. Scott & P. Verhaeghen, *Calming Down and Waking Up: An Empirical Study of the Effects of Mindfulness Training on Law Students*, 21 Nev. L. J. 277 (2020).

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## Assessment (letter grades)

- ▶ 1/3 - class participation and professionalism
  - ▶ Confidentiality, integrity, respect for class policies and “ground rules” agreed-upon at outset
- ▶ 1/3 - weekly journal entries and practice records (1-2 pp.)
  - ▶ My written feedback and reflections on each student’s weekly submission
- ▶ 1/3 - final paper (12-15 pp.)
  - ▶ 1. Progress on course learning objectives
  - ▶ 2. Progress on own learning objectives; framework for living life well (how plan will promote self-defined hopes, well-being, goals, happiness)
  - ▶ 3. Key lessons learned and personal insights gained
    - ▶ Model Code of My Own Professional Conduct for life as lawyer

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## Why do students go to law school?

- ▶ Course on Reflective Lawyering during law school allows for deeper self-exploration of authentic hopes, aspirations, and goals



*"I've decided to go to law school, become a lawyer, then quickly realize it wasn't what I wanted."*

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## Reactions to course

- ▶ From students
- ▶ From lawyers

