

EQUIPOISE

n. (ek'wə poiz')

A state of balance,
engagement and
well-being in
legal education

DECEMBER 2018

EQUIPOISE is the newsletter
of the Association of American
Law Schools Section on
Balance in Legal Education

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—Scott Rogers,
—Heidi Brown
—Nancy Oliver

AALS SECTION ON BALANCE
IN LEGAL EDUCATION

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Notes from the Chair

Calvin Pang, Associate Professor of Law and Co-Director,
Clinical Law Program, University of Hawai'i at Mānoa

Aloha,

This marks the
eleventh academic
year of our
section's existence
as a permanent section of the
AALS.



While an eleven-year tenure is on the "young" side for AALS sections, it is sufficiently long for memories to be evaporating. For this reason, we are embarking on an oral history project, which will capture the voices of those who came together to share their common interest in the well-being of our students, and later to discuss how best to organize as a united but diverse body of law school professionals. Listening to our Section's founders will be our starting point. From there, we hope to reach out to others who thought and wrote about similar interests at a time when support for their views existed in isolated corners, if at all.

In this spirit of looking back, I reviewed the Section President messages in past issues of Equipoise, our

beautiful newsletter, which was the brainchild of Amy Bushaw, and is now the hard work of Scott Rogers, Heidi Brown, and Nancy Oliver. Looking back at these messages was revealing.

The first in 2008 came from Michael Hunter Schwartz, now the dean at the McGeorge School of Law. Michael's message came in the wake of two books that supported the place of values, identity, and meaning in educating law students: *Educating Lawyers: Preparation for the Profession of Law*, popularly known as "The Carnegie Report," and Roy Stuckey's *Best Practices for Legal Education: A Vision and a Road Map*. Mike also noted that it was a time of burgeoning scholarship and research, an example being Washburn Law School's law review symposium issue on "humanizing" legal education.

Then the late Bruce Winick, the co-founder of therapeutic jurisprudence, paused to look back at the founding of our section, whose status changed

continued on next page

section's by-laws to reflect the section's actual practices and needs. At the same time, the section's legitimacy continued to grow. Kathy mentioned the AALS' invitation for the section to present at the AALS' New Teachers Conference. She also noted the section's leadership in a series of essays, entitled *What Balance in Legal Education Means to Me*, which appeared in the *Journal of Legal Education*.

Amy Bushaw, who "birthed" our newsletter, presided over the Section in 2011. As is Amy's way, her message captured the personality and ideals of our Section. She spoke of gratitude and inspiration, diversity and inclusion, self-care and service to the community good. She championed the expression and cross-pollination of ideas in a field free of artificial hierarchies. She welcomed members from every corner of the legal academy; she recognized the importance of viewpoints from different experience levels, different kinds of law schools, and different roles and foci within the legal academy. And she talked about the evangelical role of the Section: spreading the word about how participating in the Section "is a fruitful route to work towards the betterment of the lives of law students, lawyers, and law professional alike." During Amy's tenure, the Section's popular "Topic Calls" series began under D'lorah Hughes' leadership. This program features presentations on Balance topics by way of a conference call.

Then in 2014, Julie Sandine described the many activities sponsored by the Section. Her description revealed the breadth of specific topics under the rubric of "Balance," and the growing depth of research and understanding in each topic. Not surprisingly, it was the year that Debra Austin began her work refining and

improving the cataloguing of the growing pool of scholarly articles and books on "Balance" topics. In time, Debra would take the bibliography, developed initially by Carol Wallinger, to another level. Julie also described the emergence of the "Work-in-Progress" Topic Call to expand the support of the Section to scholars seeking to share a draft of their work to elicit constructive input from colleagues. During Julie's tenure, the Section's leadership deepened its discussion of having "affinity groups," a quasi-formal sub-group of members interested in a topic area. Before Julie's term ended, the section had its first affinity group: the Mindfulness Affinity Group, affectionately labeled "MAG." Also, under Julie's leadership with significant help from Nathalie Martin and Marjorie Silver, the Section requested and got its first "contemplative space" at the 2015 AALS Annual Meeting.

Finally, Susan Brooks wrote the president's message in the Section's Ten-Year Anniversary issue of *Equipoise* at the end of 2016. Susan's message announced the Section's Hot Topics Program at the 2016 AALS Annual Meeting. Scheduled in addition to the Section's main program, the Hot Topic Program expanded the Section's presence at the Annual Meeting. This practice of having a main program and a second shorter program continues to this day. More topic calls, greater MAG activities, a contemplative space with planned activities at the AALS Annual Meeting, and the official launch of Debra Austin's electronic bibliography all occurred during Susan's watch. From Susan's message, one senses the settling in of a maturing Section, looking for avenues of continuing growth and vitality.

And that's where we are: settled but

needing to grow, stimulated by new challenges, and even some old ones. Our Work-in-Progress Topic Calls still needs a solid launch. We also started a formal mentoring project at the start of this summer and matched several pairs of colleagues. And as earlier mentioned, we hope to have a full-fledged Oral History Project up and running this coming spring.

Growth means using available resources. This fall, we used Zoom Conferencing for the first time to enhance our Topic Call program. Planned by Shari Motro and Brittany Stringfellow, we hosted a three-person panel to discuss last year's report from the National Task Force on Lawyer Well-Being. In 2019, we plan to track and support the outgrowth of this report.

I write on the eve of the 2019 AALS Annual Meeting in New Orleans. Through the work of a committee led by Peter Huang and Jarrod Reich, the section will present two programs, the first, our main program entitled "Building Self-Compassion and Other Sources of Well-Being," and the second, our pedagogy program entitled, "Building Bridges from Undergraduate Experience to Law School." We hope to see many of you there.

Contemplative Space in the Windsor Room

At this year's conference in New Orleans, AALS will again be offering a technology-free space for quiet contemplation and individual restoration. The Section on Balance in Legal Education has scheduled daily guided group meditations as well as mindful-movement activities throughout the conference. Below is the group practice schedule.

8am–8:30am Mindfulness Meditation
9am–10am Mindful Movement
12pm–1pm Introduction to Mindfulness
2:30–3:30pm Mindful Movement
5pm–5:30 pm Introduction to Mindfulness

Become a Member of the Section

Section membership is open to faculty and professional staff of AALS membership schools; others may join as associate members. If you have access to the AALS website, the easiest way to become a member of the Section is to register there. Otherwise, please contact the AALS National Office at (202) 296-8851 or aals@aals.org, and indicate your interest in joining the Section.

If you become a member of the Section, you will automatically receive announcements of Section activities sent through the AALS communications platform. This is the most reliable method to assure that you are aware of upcoming Topic Calls, programs, newsletters and other opportunities sponsored by the Section. We encourage any member of the Section who would like to become more involved in Section activities to contact any member of the Section's executive board.

Integrating Positive Psychology into Legal Education

By R. Lisle Baker



Members of the Balance Section of the AALS are well-aware of the need to help provide some complement to the conventional program of legal instruction common to member schools of the AALS. My own interest is how to help law students gain balance drawing on some of the insights of positive psychology, the evidenced-based study of how people succeed and not just respond to clinical levels of emotional and cognitive difficulty.

I became enough interested in this field to earn a Master of Applied Positive Psychology degree in 2016 from the University of Pennsylvania: <https://www.sas.upenn.edu/lps/graduate/mapp/>. That in turn led to a two-credit elective course I now offer at Suffolk University Law School in Boston called “Positive Psychology for Lawyers.”

I outlined the course framework in *Designing a Positive Psychology Course for Lawyers*, recently published in the *Suffolk University Law Review*, and available online at <https://ssrn.com/abstract=3271713>. In that article, I explore pedagogical choices involved in grounding students enough in positive psychology insights to help them take advantage of opportunities for more meaningful and ethical service, achieve improved performance and well-being, and develop greater resilience in the face of challenges of the profession.

In a large law school like mine, however, one course reaches only a small proportion of our students. Therefore, for the last two years I have hosted at Suffolk a small conference called “Integrating Positive Psychology into Legal Education” where about two dozen other graduates of the Penn program who are lawyers or consultants, as well as some legal educators with a background in the subject, including some members of the Balance section, discuss what might be helpful to law students and legal educators in general.

I am pleased to report that the Conferences are going to be summarized in a forthcoming article in the *Southwestern Law Review* entitled *Integrating Positive Psychology into Legal Education*. The article organizes the participant presentations thematically around some of the important features of legal education (critical thinking, competition, independence, diligence, & professional values) and how to complement those features in ways to enhance the well-being and success of students, as well as the legal educators who teach them. Assuming technical issues are resolved, the article will be supplemented by an online link to the written materials prepared by the participants in the Conferences so that readers of the article can dive deeper into specific presentations and find additional resources.

I am also pleased to report that in 2019, Suffolk Law School will offer another such conference on *Integrating Positive Psychology into Legal Education*. It is currently planned for Thursday evening, June 13; during the day on Friday June 14; and Saturday morning, June 15. While still in development, the focus of the Conference will likely be on (1) how

better to prepare students for professional success during the first year of law school, as that is so formative (for good or ill); and (2) what legal educators can do to help develop and enhance the qualities of personal character that enable lawyers to be take on the difficult responsibilities which maintaining democracy and achieving justice require. This second theme is particularly relevant to lawyers as leaders, which is a new Section of the AALS, and for which I also wrote a forthcoming article in the Santa Clara Law Review partially drawing on positive psychology: Character and Fitness for Leadership: Learning Interpersonal Skills. <https://1x937u16qcra1vnejt2hj4jl-wpengine.netdna-ssl.com/wp-content/uploads/Baker-Character-and-Fitness-for-Leadership.pdf>

As in the past, 2019 the Suffolk Conference framework will be for those invited to make a brief presentation. These are supplemented by discussion and complementary writings that can be made part of more widely available Conference materials designed to help make the topics both understandable and persuasive to those legal educators or law students not familiar with positive psychology and the evidence behind it.

My hope is that this year's Conference will help to develop a first-year course for credit that will help students better prepare for professional success early in their legal education. I also hope to develop more ways to foster strengths of character in lawyers who lead. In both cases, the long-term objective is to begin to build a set of teaching materials that other legal educators can use.

Members of the Balance Section who are interested in positive psychology's application to legal education, including the topics of the 2019 Conference, are welcome to contact me at lbaker@suffolk.edu, 617-573-8186.

R. Lisle Baker is Professor of Law, Suffolk University Law School, Boston, MA

Interested in Playing a More Active Role in the Section?

Our section's Executive Board includes four one-year positions (immediate past chair, chair, chair elect, and secretary), fifteen three-year positions, and seven ex-officio past president positions. Committees include Outreach, Nominations, Program, and Scholarship, which do not require Executive Board membership. We invite the input and participation of all of our members in the section and welcome new members and new nominations to committee and board position openings.

Thanks to our Board and Committee Members

Our section's board and committee members work very hard throughout the year to produce engaging programming, stay abreast of innovative approaches to wellbeing in the profession, identify and address concerns, and simply keep the section running and growing. *We are particularly thankful for the leadership of our Executive Board Chair, Calvin Pang, and offer a special thanks to retiring members, Meredith Duncan, Lyn Entrikin, D'lorah Hughes, and Todd Peterson, for their years of commitment and meaningful contribution to the section.*

Bringing Mindfulness Practices to the Law School Clinic

By Deirdre M. Smith

Mindfulness and other contemplative practices have a growing role in legal education, including in clinics. A few years ago, I saw a need and an opportunity to bring these practices to students at the University of Maine School of Law, where I am a member of the faculty and director of the clinical program.

Our Clinic runs a summer intern program, in which students work full-time as student attorneys for the entire summer. During their first few days in the program, students take the student attorney oath before a justice of the Maine Supreme Judicial Court and receive a caseload of 20-25 cases. The students' clients include children in the juvenile justice system, prisoners, survivors of domestic violence and sexual assault, immigrants seeking asylum or special juvenile immigrant status, parents involved in custody matters, and other individuals with low incomes needing help with family, criminal, probate, juvenile, and consumer law matters. These clients are often survivors of significant trauma and involved with high-stakes cases in which the student must learn and present the clients' stories.

The students selected for our summer program all share a strong desire to serve others and to develop their skills and professional identity as lawyers. This combination of deep altruism and curiosity can be challenged by the intensity of their day-to-day work on behalf of these clients. Working in the clinic—with all of its rich rewards—can be one of the most stressful

and overwhelming experiences for a student, presenting risks of secondary trauma as well.

While long interested in bringing mindfulness practices to Maine Law students, I was not sure how best to do so. At the start of the summer of 2015, as I saw the interns struggle with their new identity as “lawyer” amidst challenging cases and clients, I suddenly realized that our summer program was an ideal place to begin. What emerged was a mindfulness meditation training program designed specifically for our Clinic summer interns. I've now provided this training for four summers, and I think it has been a highly useful addition to the summer intern program.

Throughout the summer, we meet each Tuesday morning in the Clinic's library for about 45-60 minutes. Each week's session has a different theme or practice, including mindfulness of breathing and body, working with thoughts and emotions, body scan, loving kindness, self-compassion, and a meditation gatha. I spend about 15 minutes introducing or explaining that week's practice and offering some initial suggestions for its relation to legal education and lawyering. I lead a guided practice, which is about 10 minutes long at the start of the summer and increases over the weeks.

The time we spend together after the guided practice is at least as important as the practice itself. I invite the students first to reflect silently on their experience with the practice that day and also to consider how it might apply to their work in the Clinic. We then have a discussion about these points, generally stemming from individual students' comments, questions, reactions, and reflections. I conclude each week's session by offering the students an “off the cushion”

practice or exercise for them to try during the coming week, usually one that ties in with the theme or focus of that week's practice. These include mindful eating, tea drinking, walking, listening, movement (yoga or Qigong), and journaling. I also offer instructions on brief mindfulness practices they can use anytime, such as STOP & RAIN (descriptions of these practices can be found at mindful.org).

The summer interns are not the only participants. Another member of the Clinic faculty and our Dean of Admissions, Caroline Wilshusen, have been regular attendees, and Clinic alums joined us from time to time, including one who shared her story of discovering mindfulness while studying for the bar exam as a way to manage her extreme test anxiety.

Student participation in the program is optional. I provide all students an overview of the program at the start of the summer (including a 3-minute mindfulness practice) and invite them to participate in the program. Participation varies from summer to summer; some years every intern participates weekly (unless they have a court conflict), while in other years the participation was more sporadic.

As this training is not a course or a requirement, and because students are kept quite busy with their cases, I don't ask much of them. For example, I do not require students to report on their individual practices, to journal, or to do any readings, which are common components of credit-based courses based on contemplative practices. I do provide written resources for the students, including a few short articles on mindfulness and lawyering, a list of recommended books, articles, apps, and websites, and some tips I wrote for them about starting and maintaining a personal mindfulness practice. I also make myself available to answer their questions.

At the end of each summer, I ask the interns, regardless of their level of participation, to complete an anonymous evaluation and survey, which has a combination of open-ended and rating-scale questions about the Clinic summer mindfulness program, mindfulness practice generally, and expanding mindfulness training opportunities in the law school. The students (even those who did not participate regularly) were strongly positive about the summer mindfulness program and the mindfulness practices they learned. They also noted several benefits they had received from the practice, such as developing focus, awareness of their emotions, and compassion for themselves and others. Students' comments included:

- “I liked that we tried a number of different practices and drew direct connection to the practice of law. It was a great opportunity to stop and force myself to take a step back and breathe at the beginning of the week”
- “Great way to start the day. I also loved it was built into the work day—emphasizing that it's seen as important and meaningful”
- “The mindfulness practice throughout the summer was simply amazing. I often get caught up in the stress/anxiety of everyday life and the regular practice helped me by first forcing me to acknowledge those things and then providing me with a tool to help release those feelings/stress/anxiety.

- The love + compassion practice was great and has made me more compassionate toward others and not so quick to pass judgment. It also allowed a time for me to develop more compassion to myself. Overall a wonderful experience!”
- “The fact that it was offered was a nice reminder that taking care of oneself is important and showed me that the Clinic took interest in the well-being of students and faculty.”
- “Nice to sit with everyone peacefully... not talk about cases.”
- “I found this incredibly helpful for myself, and I began to embrace taking the moment to assess my thoughts/feelings about myself and others be it clients/peers/co-workers/ opposing party, etc.”

The evaluation results have also revealed that students are strongly supportive of having other mindfulness opportunities through the law school, such as in orientation and the first year curriculum as well as weekly guided meditation and courses on mindful lawyering. As a result of this feedback, Associate Dean Wilshusen and I launched a “Mindful Mondays” drop-in mindfulness meditation program, open to the entire law school community, and we’ve incorporate a brief introduction to mindfulness in our Orientation. I’m currently developing a coursetbased on the curriculum of the summer mindfulness training program but with more structurebthrough which I can provide these practices to students participating in clinic and externship courses during the school year. My hope is that, by expanding these opportunities for learning, deepening, and sharing the practices, our students will have a valuable tool and skill that they can use while in school and throughout their careers—for the benefit of themselves, their clients, and the legal profession as a whole.

Deirdre M. Smith is Professor and Director of the Cumberland Legal Aid Clinic University of Maine School of Law

Mindfulness in the Law School Clinics: Resources

At the 2014 AALS Conference on Clinical Legal Education, University of Miami Professors Bernard Perlmutter, Director of the Children and Youth Law Clinic, Rebecca Sharpless, Director of the Immigration Clinic, and Scott Rogers, Director of the Mindfulness in Law Program, presented “Mindfulness and the Law School Clinic” where they shared class materials that integrate mindful reflection and practice into clinics. Since 2010, Miami Law’s Mindfulness in Law Program has been collaborating with clinic faculty around the country to integrate mindfulness into the law school’s clinics, crafting contextually sensitive tools for the cultivation of focus, reflection, and empathy. <http://www.themindfullawstudent.com/Clinic/>

In 2018, Sarah Sherman-Stokes, Associate Director of Boston University School of Law’s Immigrants’ Rights and Human Trafficking Program developed a “Resource Guide for Lawyers Representing Vulnerable Communities.”

I Lost My Keys, And It's Okay . . .

By David B. Jaffe

Anyone unfamiliar with my job will ask “what do you do?” and, following an explanation, “do you enjoy it”?

The easiest response to the first question is that I assist students in getting things out of their way so they can focus on why they came to law school. As to the second, unflinchingly “yes,” almost every day of the year. Law students amaze me, delight me, and fascinate me with their goals and their determination to see them through. I learn about them through appointments, chance elevator, hallway, and other encounters, and by inviting myself in to an occasional cafeteria conversation.

Take “Sarah.” Sarah visited my office several days after coming to the aid of a classmate who had fallen unconscious in class from an epileptic seizure. In supporting the classmate by providing a sweatshirt as a pillow while awaiting the paramedics, Sarah later realized that her apartment keys had been left in the sweatshirt. Somewhat unfazed by the loss, Sarah, who had previously shared with me her recovery from substance use, reflected: “Two years ago I would have lost those keys while stumbling drunk, or to a blackout or some other foolish act. Here I was finally doing something positive.”

Wow. How many of us can reach that level of depth and insight? I was so taken by her candor and by her spirit. Most law students, however, have not had to endure this type of life-altering experience. As a result, many students fear raising personal issues they need to face, believing they are the only ones in their class or section feeling the way they are. These students tend to ignore the stress, anxiety, and/or discomfort, assuming it is

supposed to be there and there is nothing to be done. This false perception typically leads to further isolation and unease, occasionally spiraling to a point where serious harm to the psyche (let alone the student's academic pursuit) occurs.

While no one individual or law school can necessarily tend to the ills of all students, certain steps can be taken to support students beyond the classroom, especially those who may fear seeking help on their own. At American University Washington College of Law, we have implemented a “random check-in” process, whereby students are emailed at random and asked to come in for a 15-minute conversation (we use calendly to facilitate appointments; other appointments are also available). The email (literally) confirms the student is not in any trouble (amazing how many think they are!); when they arrive, my exchange runs an informal template (“what did you do last summer”; “what are your plans for next summer”; “is there anything about your experience you would like to see improved”) but is open to wherever we go. At a minimum, the student leaves the office knowing that someone cares. In some instances, the student asks to close the door and the conversation turns to a sharing of personal issues, often resulting in pep talks and/or referral to professional counseling. Moreover, for the professor or administrator who has noticed concerning behavior by a student but does not wish to be identified as reporting this to me,

we can implement the check-in on a "not-as-random" basis, folding that student into the invitation queue and preparing ourselves to poke around the edges in an effort to get to the heart of the matter.

The random check-in process is not the end-all, be-all. Some students choose not to respond to the meeting invite (stay tuned for my pending article "you can't save 'em all") and unless we have a particular concern, we leave it alone. Also, owing to resources we tend to focus on the 2L students, the class often seemingly "lost" in the institutional morass. In addition to these sessions and to the proactive efforts elsewhere around wellness (meditation, yoga, puppies, and the like), we also encourage faculty members to take an intentional moment from their class to check in collectively with their students, encouraging those who need it to visit Student Affairs.

The investment of time in the foregoing, however, is well worth the results. Even one student nearing or in crisis who is aided by our outreach makes my day (sometimes my semester). Moreover, the "Sarahs" of the law school do not come my way unless and until they have learned that our office is one of caring and of confidential support, demonstrated, we believe, through these meetings. Once that trust has been earned, I have gained another ally, a student willing to put herself out there in support of a classmate.

David B. Jaffe is Associate Dean for Student Affairs at American University Washington College of Law.

Book Review Corner!

By Heidi Brown



Mindful Lawyering: The Key to Creative Problem Solving, Kathleen Elliott Vinson, Samantha Alexis Moppett, Shailini Jandial George (Carolina Academic Press, 2018).

This reassuring, approachable, well-researched book—a collaboration of three leaders in the legal writing academy from Suffolk University Law School—offers a twelve-chapter resource for teaching mindful and creative problem-solving to our students. The book establishes learning objectives and outcomes, provides an understandable primer on mindfulness, and emphasizes the role of creativity in lawyering—an area not often explored in law school curricula. *Mindful Lawyering* provides numerous practical checklists for tapping into creativity and problem-solving strengths. This book is an inviting read, as it is chock full of visuals, practical advice for our students, and inspiration. I can hear the voices of my friends and colleagues—Kathy, Sam, and Shailini, on every page!

Lawyering From The Inside Out: Learning Professional Development Through Mindfulness and Emotional Intelligence, Nathalie Martin (Cambridge University Press 2018).

I wish this book existed twenty years ago! The author, Nathalie Martin is an amazing teacher and human who I met at Peter Huang's summer conference, "Positive Lawyering, Mindfulness, and Humane Games," at The University of Colorado-Boulder School of Law. Nathalie introduces readers to the concept of the "Little Pause" and the "Law Pause." Throughout the book, Nathalie prompts students (and us) to take a Little Pause (to think about something) and at other times, a Law Pause (to write about something). The book walks readers through concepts of mindfulness; management of energy, time, and physical space; self-image, skillsets; professional identity; and resilience. The book further exposes law students and lawyers to the building blocks of emotional intelligence and empathy. The book is well-researched and provides bountiful resources for professors seeking to help educate "the whole lawyer."

Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law, Michele DeStefano (ABA 2018).

This book, founded on "extensive interviews with more than 105 general counsel and chief executives, heads of innovation at law firms, and law firm partners around the world," inspires "creativity, collaboration, and innovation" in the way we approach the teaching and practice of law. The book teaches readers "innovation lingo" such as

"intrapreneur," "voluntary internal innovation," and "the innovation disconnect." It prompts readers to reflect on how we can align legal education with rapidly changing market needs. The author identifies three rules of engagement: (1) an open mind; (2) an open heart; and (3) an open door. An open mind involves saying "yes, and" (instead of "yes, but"). An open heart entails engaging with empathy, emotion, and cultural competence in lawyering. An open door champions collaboration, diversity, and vulnerability. This book gets us thinking about change, and challenges us as legal educators to meet the millennial generation of lawyers where they are, adding incredible value to our profession.

How to (Sort of) Be Happy in Law School, Kathryn M. Young (Stanford University Press 2018).

This book serves as the wise and caring mentor and friend we all wish we had in law school. It provides much-needed context for students, validating the reality of the stressors of law school, and reassuring students that they are not alone. It gives a "primer on imposter syndrome" and reminds students to reflect on the "passions" that brought them to law school in the first place. The book provides practical advice on how to alleviate stress, keep an eye on finances, and enhance physical and mental well-being. It also provides tips on choosing courses, navigating cold-calls in class, reading and outlining, studying for and taking exams, and conducting a job search. The writing is friendly, approachable, and encouraging.

Heidi K. Brown is Director of the Legal Writing Program, at Brooklyn Law School, and author of *The Introverted Lawyer*.

What I Do

Members of our section work hard at their law schools on projects that help sustain the well-being of students, faculty, and staff. Here are summaries of some of these projects.

William Blatt, Professor of Law at the University of Miami School of Law.



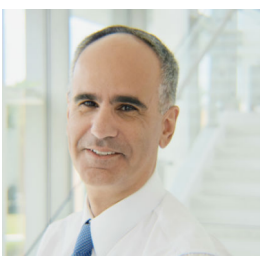
For eight years, I have taught a three-credit course, Emotional Intelligence: Life Skills for Lawyers. The course prepares students to meet the challenges of life in the law and to interact effectively with colleagues, clients and adversaries. In particular, students learn how to reduce stress, increase happiness, improve performance, and relate to others. Class time is devoted to topics such as mindfulness, cognitive therapy, and life design. Outside class, students pursue various activities, including developing a contemplative practice, engaging in effective communication, and using motivational skills to achieve real world results.

Jill C. Engle, Professor of Clinical Law at the Pennsylvania State University

I'm the faculty advisor for our Mindfulness in Law Society. Students have led this start-up group all along, and although I have supported them, they do all the heavy lifting. They have had numerous events during this (their first) semester, including free yoga in our law school commons, camping trips, and a tea tasting. They maintain a Facebook group and have an executive board and even a fledgling mentoring program. In partnership with our Student Services office, we also offer weekly "mindfulness for lawyers" sessions through Warrior One, a group led by my friend Judi Cohen, a lecturer at Berkeley. Judi's weekly sessions are online via Zoom and we offer those free to students in a small room near our cafeteria. That activity has been a bit slow to catch on but we've had a few students check it out. I'm hoping to get more faculty to come, and help it catch fire.



David B. Jaffe, Associate Dean for Student Affairs at American University Washington College of Law



I (and my office) schedule random check-ins via email with as many students as we can each semester. We feel that this reminds the students that we are here for them; it also teases out from time-to-time an issue a student is having but has not brought forward for attention. And, on the occasion when a faculty member or classmate brings to our attention a concern about a student, we can use the random check-in in a "not so random" fashion to bring the student in and poke around the edges a bit to see if we can get to the heart of a matter and then provide assistance and/or resources.

Alison Lintal, Director of Career Services & Internship Programs at the Pennsylvania State University

At Penn State Dickinson Law, we have started “Mindful Mondays” and “Wellness Wednesdays.” On Mondays over lunch there is a 30-minute drop-in meditation available to all faculty, students, and staff. On Wednesdays, I offered a 1-hour yoga class in the late afternoon. Additionally, as the faculty instructor for the externship program, I incorporate 10 minutes of mindfulness meditation at the beginning of each externship class. Students explore the following practices over the course of the semester: mindful breathing, mindful listening, body scan, metta meditation, mindful consumption, and other techniques. They are encouraged to take up the practices on their own and reflect on what mindful lawyering means to them.



Sarah J. Schendel, Assistant Professor of Academic Support at Suffolk Law School



I’m never quite sure which tidbits my students hear and which ones go in one ear and out the other. But recently the one my students keep repeating back to me is a reminder I give: “If you’re never 100% off, you can never be 100% on.” I find that many students feel too guilty to take full afternoons or days off, and so end up half-heartedly working a bit (while resenting it), and half-heartedly relaxing a bit (while feeling guilty about it). By reminding them that they can only truly focus if they have also taken time to truly disengage, I hope to help them break this pattern – they seem to agree and, for whatever reason, those words stick with them.

Charity Scott, Catherine C. Henson Professor of Law at Georgia State University College of Law

I offer mindfulness training every fall to incoming first-year students (“Mindful Mondays”). It’s a weekly noon-time introductory training, adapted from MBSR training, for six weeks, one hour a week. We generally have 50-60 1Ls who register each fall (it’s open to all students, and generally the 1Ls are the most actively interested in it). I co-teach the program with a local certified MBSR instructor, and I am becoming a qualified MBSR instructor through a formal teacher training program at UC-San Diego.



This summer I co-taught a course on professional responsibility in which I gave a much deeper dive into mindfulness training: seven weeks, for two hours each week of MBSR-adapted mindfulness instruction. I collaborated with Paul Verhaeghen, a Georgia Tech psychology professor to get IRB approval to study the impact of the summer mindfulness training on law students’ well-being. Our initial results were positive, and we’re expanding the research study to encompass this fall’s training. For students who may not be interested in mindfulness per se, yet are interested in their health and well-being, I also offered during the spring semester a seven-week Wellness Wednesday program covering the various dimensions of health and well-being for law students (mental, physical, social, emotional, financial health). This weekly speaker and panel series was coupled with a weekly Health Challenges competition sponsored by eight student organizations that encouraged students to take pictures of themselves, friends, and family engaged in healthy activities and

lifestyles related to the themes of the companion Wellness Wednesday series. The photos were uploaded on a monitor in a public space at the law school each week, and the winners were given prizes by the sponsoring student organizations.

Susan C. Wawrose, Professor of Lawyering Skills at University of Dayton School of Law



I teach a 2-credit course called Sustaining Practices for the Legal Profession. We begin with research on law student/lawyer well-being and the connection between well-being and professional competency. The course moves from an emphasis on self-compassion/care to the concept of extending compassion to others, including in law offices and legal proceedings. Students engage in formal and informal mindfulness practices throughout the semester and practice mindful listening, right speech, and inserting the “wedge of awareness” during situations of conflict, among other skills. We end with a unit on mindfulness and implicit bias. Students also consider other ways, besides mindfulness meditation, to enhance their own well-being and share successes and obstacles. It's a wonderful course to teach, and students have expressed great appreciation for the opportunity to discuss these topics in relation to their professional and personal goals.

Keith Werhan, Ashton Phelps Chair in Constitutional Law at Tulane Law School

Each semester at Tulane Law School I offer a short course on mindfulness for law students. The class meets in six 75-minute sessions over three weeks. We experiment with a variety of mindfulness practices (seated and walking meditation, controlled breathing, yoga, and chigong), with an emphasis on seated meditation. One purpose of the class is to help interested students develop a sustainable meditation practice. We also explore how mindfulness might inform how we handle the stresses and challenges of law school, the legal profession, and life itself. I also lead a weekly sitting group of law students who meditate, explore yoga poses, and discuss whatever is challenging them.



NEW OFFERING FROM MILS: “MINDFUL MONDAYS”

The Mindfulness in Law Society (MILS) is pleased to host “Mindful Mondays,” a half-hour “virtual sit” every Monday at 4:00 p.m. in each time zone. Anyone in the legal profession is welcome to attend, although it is a member benefit and non-members will be asked to join or pay a daily rate after five (5) free sessions. The sittings are suitable for beginners and experienced mindfulness practitioners. The format generally consists of 20 minutes of guided meditation, with 10 minutes allotted for questions and discussion, although there may be some variation depending upon the instructor and who is present.

You may attend the sitting in any time zone. As such, if you are on the West Coast and the 4:00 p.m. Eastern time frame works best for you, feel free to join that session.

To join “Mindful Mondays,” simply go to the home page of the MILS web site and find the link that will take you to this virtual event: <https://mindfulnessinlawsociety.com>. We hope you will be able to join us for Mindful Mondays! ~ Julie K. Sandine

Mindfulness and the Path to Lawyer Well-Being—A Catalyst for Much-Needed Change

By Julie K. Sandine

The possibility for real positive change in the current state of our struggling profession and lawyer well-being increased dramatically in August of 2017 when “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change” (“the Path”) was released.

Research by the Commission on Lawyers’ Assistance Programs and the Betty Ford Hazelden Center in 2016 had revealed the persistence of attorneys’ long-standing higher-than-average rates of problem drinking, depression, anxiety and stress. Despite awareness of these problems over the past decades, progress had not occurred. Another study in 2016 demonstrated that law students experience similar problems with depression, anxiety, and suicidal thoughts, as well as binge drinking.

Recognizing the current status of our profession is unsustainable, the Commission and other entities formed the National Task Force on Lawyer Well-Being to promote nationwide awareness, recognition and treatment of these issues. After a year of research and deliberation, the Path was released in August of 2017. In introducing its comprehensive report, the Task Force co-chairs noted that their research findings “are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers’ basic competence. This research suggests that the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.”

The authors issued a Call to Action, with the first step being to identify stakeholders and the role each can play in reducing the level of toxicity and dysfunction in our profession. They specified two other steps: destigmatizing help-seeking behaviors and emphasizing “that well-being is an indispensable part of a lawyer’s duty of competence.” Rather than just being something to consider if a lawyer has some spare time, well-being must be a priority as we cannot reasonably and properly care for our clients if our own well-being is compromised. The Task Force recommended that all stakeholders work to accomplish these goals by using the Path as a launch pad for a profession-wide action plan.

The Mindfulness in Law Society (MILS) answered this Call to Action by organizing its first national mindful lawyering conference, Mindfulness and the Path to Lawyer Well-Being, in August of 2018 in conjunction with the ABA Annual meeting in Chicago. Mindfulness meditation and other contemplative practices are specifically recommended in the Path as valuable resources for improving lawyer well-being and life satisfaction. As such, the timing was optimal for introducing mindfulness meditation nationwide to lawyers, judges, and other legal professionals and exploring together the ways it can be integrated into our professional lives and utilized to combat dysfunction and toxicity in our profession.

Many other entities were equally enthusiastic about the conference as it was initially being conceptualized and planned and we were thrilled when a number of entities joined MILS as sponsors of the conference, such as the ABA Center for Professional Responsibility, Center for Mindfulness at the University of Massachusetts Medical School, and Loyola Chicago School of Law Dispute Resolution Program. Mintz Levin Cohen Ferris Glovsky and Popeo, a large Boston-based law firm that has a well-established well-being program for its lawyers, which incorporates mindfulness, also joined as a sponsor. We were grateful to also have the support of numerous co-sponsors, including

the National Task Force on Lawyer Well-Being, the National Center for State Courts, the ABA's CoLAP and its Law Practice Management Division, and the Arizona State University Center for Mindfulness, Compassion, and Resilience. Finally, other friends providing support included the Frederick P. Lenz Foundation, Brown University School of Public Health Mindfulness Center, Northwestern Pritzker School of Law Center on Negotiation and Mediation, Warrior One, the Illinois LAP, and the State Bar of Arizona.

The Honorable Donn Kessler, retired judge of the Arizona Court of Appeals, graciously served as conference chair and secured many renowned and nationally recognized experts in the field. The conference was held at Loyola Chicago School of Law, which was an ideal venue, given its central location and proximity to the ABA meeting. We were able to provide CLE credit for Illinois lawyers, as well as those from a number of other jurisdictions, thanks to the assistance of Apex Management and Special Events, another sponsor of the conference. Lawyers were able to participate on-line, as well as in-person, and there were approximately 100 lawyers in attendance.

Professor Richard Reuben, president of MILS, began the conference with a warm welcome and introduced the first session, which highlighted the Path, discussed the stressors facing lawyers, the connection between attorney/judicial wellness, competence and ethics, and shared ABA and state bar resources that are available to provide support and assistance with lawyer well-being. The panel was moderated by Professor Teresa Frisbie, Director of Loyola's Dispute Resolution Program, and featured Tracy Kepler, Director of the ABA Center for Professional Responsibility (one of the authors of the Path), Lynda Shely of the Shely Law Firm in Scottsdale, Arizona (an author and editor of the Path, Roberta Tepper, Director of the Arizona LAP, and the Honorable Robert Childers, retired Circuit Court Judge of Shelby County, Tennessee (contributing author of the Path), who served on the ABA CoLAP, including as its Chair from 2007-11, and is currently on MILS' Board of Advisors. Panelists provided an informative and lively discussion of why well-being is such a critical issue now, especially given the stressors lawyers regularly encounter and the typical stigma that prevails, in addition to the resources that have proven beneficial in managing the challenges of the legal profession.

Participants were then introduced to mindfulness meditation by Judi Cohen, Founder of Warrior One (who also is a lecturer at Berkeley Law), and Gullu Singh, founder of the Landmark Law Group, who is also a meditation teacher in California. After receiving a basic foundation, attendees were given the opportunity to engage in basic exercises and practice experience, including breath awareness, talk and listening practices, and the body scan.

The conference also included a session featuring mindfulness practices that incorporate physical movement, which is often of interest to those who find a sitting practice especially daunting or difficult. Attendees were given the opportunity to participate in one of three options: (1) Walking meditation, led by Brenda Fingold, Assistant Director of Brown University's School of Public Health Mindfulness Center; (2) Yoga, led by Alisa Gray of Tiffany & Bosco of Phoenix; and Qi Gong, led by Professor Len Riskin, currently the Harris H. Agnew Visiting Professor of Dispute Resolution at Northwestern Pritzker School of Law in Chicago.

The keynote address was given by the Honorable Ricardo Urbina, United States District Court of the District of Columbia (Ret.), who spoke on mindfulness and professional responsibility, sharing his experiences and insights.

The keynote was followed by a plenary session featuring Dr. Judson Brewer, Chair of Research, Mindfulness Division of the University of Massachusetts School of Medicine, who explained the neuroscience underlying the effectiveness of mindfulness training in dealing with lawyer stress and dissatisfaction. He also demonstrated how this technique can help lawyers

free themselves from mental habits that contribute to stress and undermine their well-being such that they can replace them with new behaviors that instead foster effectiveness, resilience and engagement with life.

The second afternoon plenary featured a panel discussion in which practitioners, a law student, and law professor all shared how they and their firms or agencies have incorporated mindfulness in order to make their workplaces more positive and productive, as well as enhancing the creativity, effectiveness and satisfaction of their own professional lives. This plenary was followed by small group sessions in which participants could pose questions, share what they had learned, and discuss how they could utilize the knowledge and experience they gained in their professional lives.

These sessions were led by Scott Rogers, Founder and Director, Mindfulness in Law Program, University of Miami School of Law; Judi Cohen, Founder, Warrior One, San Francisco, California; the Honorable Michael D. Zimmerman, former Chief Justice of the Utah Supreme Court, and Partner with Zimmerman Booher, Salt Lake City, Utah; Gullu Singh, Landmark Law Group, Santa Monica, CA; and Alisa Gray, Shareholder, Tiffany & Bosco, P.A. Phoenix, AZ. These small group session offered participants the opportunity to talk and share what they have learned, and discuss what they think they can take back to their workplaces and professional lives.

The final plenary session looked to the future, discussing the role mindfulness can serve in the future practice of law, such as in helping lawyers and judges manage stress, improve performance and client satisfaction, reduce implicit bias, enhance social justice, and improve the legal profession's image in the eyes of the public. Attendees also reported on the results of their small group discussions during the afternoon breakout sessions, enabling them to share their experiences with others.

After Professor Reuben's closing remarks, attendees were invited to join a reception, which was kept alcohol-free in an effort to depart from lawyers' typical emphasis of alcohol at social events, as recommended specifically by the Path to Lawyer Well-Being.

Being with so many like-minded lawyers who are interested in sharing their mindfulness practices and working together to make a positive difference was truly inspiring, uplifting, and rejuvenating! Many lawyers in attendance expressed an interest in forming local or state MILS chapters, which would provide them with shared resources, new opportunities, and a supportive community. Lawyers are now working with each other to possibly form chapters in Chicago, Pittsburgh, Salt Lake City, S.F./Oakland, Alabama, Tennessee, D.C./Maryland and the Northeast, and we are in hopes that others will follow suit!

The conference sessions were videotaped and are currently being edited. Once that process is complete, they will be available for viewing on-line.

If you are interested in learning more about MILS and/or wish to join our efforts to promote well-being and alleviate suffering in the legal profession, please visit our website at <https://mindfulnessinlawsociety.com/>. Membership in MILS provides a number of benefits, including:

- notice of conferences, webinars, and other events;
- discount registrations;
- access to our searchable member database;
- and most importantly, connection to other legal professionals across the country who are interested in mindfulness, yoga, and other contemplative practices and their use to help bring positive change to our struggling profession.

Julie K. Sandine, M.A., J.D. serves as Secretary of the Mindfulness in Law Society



Recent Publications

Books

Heidi K. Brown, *The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy* (2017).

Brian Cuban, *The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption* (2017).

Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law, Michele DeStefano (2018).

Shawn Healy, *The Full Weight of the Law: How Legal Professionals Can Recognize and Rebound from Depression* (2017).

Stewart L. Levine, *The Best Lawyer You Can Be: A Guide to Physical, Mental, Emotional, and Spiritual Wellness* (2018).

Daniel Lukasik, *Overcoming Stress, Burnout, Anxiety, and Depression in the Legal Profession* (2017).

Veronique A Perrier Mandal, *Getting Off a Criminal Lawyer's Road to Redemption* (2017).

Nathalie Martin, *Lawyering from the Inside Out : Learning Professional Development Through Mindfulness and Emotional Intelligence* (2018).

Scott Rogers, *The Elements of Mindfulness: An Invitation to Explore the Nature of Waking Up to the Present Moment . . . and Staying Awake* (2017).

Marjorie A. Silver, eds., *Transforming Justice, Lawyers, and the Practice of Law* (2017).

Kathleen Elliott Vinson, Samantha Moppett, & Shailini George, *Mindful Lawyering: The Key to Creative Problem Solving* (2018).

Kathryne M. Young, *How to be Sort of Happy in Law School* (2018).

Articles

- R. Lisle Baker, *Designing a Positive Psychology Course for Lawyers*, 51 *Suffolk L. Rev.* 208 (2018).
- Susan P. Liemer, *Embodied Legal Education: Incorporating Another Part of Bloom's Taxonomy*, 95 *Detroit Mercy L. Rev.* 69 (2017).
- Kendra G. Bertschy, Esq., *Strengthening Your Legal Practice by Strengthening Yourself*, *Nev. Law.*, July 2018, at 22 (2018).
- Kaci Bishop, "Framing Failure in the Legal Classroom: Techniques for Encouraging Growth and Resilience," 70 *Arkansas Law Review* 959 (January 2018).
- Abigail Loftus DeBlasis; Elizabeth Adamo Usman, *Unrealized Potential: How Shifting the Focus to Student Learning Outcomes Could Reduce Law Student Distress*, 95 *U. Det. Mercy L. Rev.* 179, 252 (2018).
- Anne Brafford, *The Lawyer Well-Being Starter Kit: 10 Tools and Strategies for Legal Employers*, *Fla. B.J.*, January 2018, at 26 (2018).
- Teresa Brostoff, *Meditation for Law Students: Mindfulness Practice as Experiential Learning*, *Law and Psychology Review*, Vol. 41, p. 157 (2017).
- Amy E. Davis, Esq., *The (Drunk) Elephant in the Room*, *Vt. B.J.*, Winter 2016-2017, at 22 (2017).
- Dicky Grigg & Chris Ritter, JD, *Ten Tips for Lawyers Dealing with Stress, Mental Health, and Substance Use Issues*, 83 *The Advoc. (Texas)* 5, 1 (2018).
- Peter H. Huang, *Happiness 101 for Legal Scholars: Applying Happiness Research to Legal Policy, Ethics, Mindfulness, Negotiations, Legal Education, and Legal Practice*, in *Research Handbook on Behavioral Law and Economics*, 271-93 (2018).
- Kevin R. Johnson, *Some Thoughts on the Future of Legal Education: Why Diversity and Student Wellness Should Matter in a Time of Economic Crisis*, 65 *Buff. L. Rev.* 255, 286 (2017).
- Michael Kaufman, *Social Justice and the American Law School Today: Since We Are Made for Love*, 40 *Seattle U.L. Rev.* 1187 (2017).
- Kristine Kuzemka, Esq., *How Real Nevada Attorneys Approach Physical and Mental Wellness: Going It Alone or Getting Assistance*, *Nev. Law.*, July 2018, at 8 (2018).
- Vanessa Nordyke, *It's Time to Support Lawyer Well-Being Without Judgment or Stigma*, *Or. St. B. Bull.*, July 2018, at 38 (2018).
- Scott Rogers, *Mindfulness, Mental Health, and the Life of the Lawyer*, 92(1) *Fla. B. J.* 24 (2018).

Articles

Scott Rogers, Chris McAliley, & Amishi Jha, (2018). Mindfulness training for judges: mind wandering and the development of cognitive resilience. *Court Review*, Vol 54, pp 80-89.

J.E. (Buddy) Stockwell, *Law Students and Depression*, 64 *La. B.J.* 361 (2017).

Charity Scott, *Mindfulness in Law: A Path to Wellbeing and Balance for Lawyers and Law Students*, 60 *Ariz. L. Rev.* 635 (2018).

Thomas G.W. Telfer, *The Wellness Doctrines for Law Students & Young Lawyers*, by Jerome Doraisamy, 54 *Osgoode Hall L. J.* 645, 654 (2017).

Amanda Vescovi, *Law School: We're All Mad Here*, *J. Kan. B.A.*, June 2018, at 22 (2018).

Pamela Wilkins, *Ignatian Reflection in an Externship Course Helping Students Prepare for and Manage the Stresses of Practicing Law*, *Mich. B.J.*, July 2018, at 44 (2018).

Blog

Brian Cuban. "Law Students Speak Out on Wellness," *Above the Law Blog*, May 30, 2018.

2 Civility: Connecting Lawyers, Inspiring Change, "Wellness," <https://www.2civility.org/category/blog/wellness/>

Lawyers With Depression, <http://www.lawyerswithdepression.com/>

Living Above the Bar, <https://www.livingabovethebar.org/about/>

ABA, "Commission on Lawyer Assistance Programs Blog," <https://abacolap.wordpress.com/>

ABA, "Lawyer Assistance Programs," https://www.americanbar.org/groups/lawyer_assistance/working-group_to_advance_well-being_in_legal_profession/

Law Practice Today: "The Attorney Well-Being Issue," <https://lawpracticetoday.org/article/aba-trying-advance-lawyer-well/> & Jordana Alter Confino, "Burning the Candle at Both Ends Backfires," <https://www.lawpracticetoday.org/article/burning-candle-ends-backfires>

David B. Jaffe & Janet E. Stearns, *ABA Before the Bar: "Two deans answer the law school wellness questions they hear the most"* <https://abaforlawstudents.com/author/david-b-jaffe-and-janet-e-stearns/>

Scott Rogers, *The Mindful Lawyer*, (a monthly curated column in *The Florida Bar News* where mindfulness experts and practicing lawyers and judges answer lawyer's questions).

Add Your Scholarship

The Balance in Legal Education Section has a growing and inspiring bibliography. We invite you to add your scholarship to the database, which is generously housed on the University of Denver Sturm College of Law website: <https://www.law.du.edu/aals-balance-in-legal-education-bib>

Annual Meeting

2019 AALS Annual Meeting in New Orleans, LA

**Hilton New Orleans Riverside
January 2 – 6, 2019**

BALANCE IN LEGAL EDUCATION PROGRAMS



January 3 ~ 1:30 pm - 4:30 pm

Lawyers can and should help build bridges across differences to collaboratively resolve conflicts. This program's participants will discuss how law students and lawyers can build (self-)compassion and other sources of well-being to construct bridges of connection among clients and society. Participants will draw on interdisciplinary research about reducing stress, avoiding burnout, and fostering (self-)compassion, cognitive performance, confidence curiosity, decision-making, dignity, diversity, emotional health, happiness, humility, ethics, kindness, leadership, mindfulness, professionalism, resilience, and well-being. The program will include practical advice and helpful takeaways. The format will be varied and interactive to facilitate inclusive discussion and exchanging of experiences, ideas, and viewpoints.

Speakers

Moderator: Peter H. Huang, University of Colorado Law School
Danielle Bifulci Kocal, Pace University Elisabeth Haub School of Law
Susan L. Brooks, Drexel University Thomas R. Kline School of Law
Sarah Schendel, Suffolk University Law School

January 5 ~ 3:30 pm - 5:15 pm

Although our students have diverse educational and professional experiences, nearly all encounter difficulties transitioning to the law school environment. While the nature of legal education can exacerbate these difficulties, professors and administrators can work toward easing this transition. Through this program, panelists will address pedagogical and other techniques to help bridge the gap between students' prior experiences and law school so that they attain and refine the skills and the resilience necessary to thrive and succeed in law school and beyond.

Speakers

Moderator: Jarrod F. Reich, Georgetown University Law Center
Julie A. Baker, University of Massachusetts School of Law - Dartmouth
Rebecca C Flanagan, University of Massachusetts School of Law - Dartmouth
Nancy A. Oliver, University of Cincinnati College of Law
Sofia Yakren, City University of New York School of Law