

# EQUIPOISE

*n.* (ek'wə poiz')

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

DECEMBER 2016

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

Editors:

—Scott Rogers

—Jennifer Brobst

AALS SECTION ON BALANCE  
IN LEGAL EDUCATION

Susan Brooks, Chair

Jennifer Brobst, Chair Elect

Heidi Brown, Secretary

## Executive Committee

Debra Austin

Meredith Duncan

Lyn Entrikin

Anahid Gharakhanian

Kathy Hessler

Peter Huang

D'Lorah Hughes

Katerina Lewinbuk

Calvin Pang

Todd Peterson

Jarrold Reich

Richard Reuben

Scott Rogers

Ron Tyler

Courtney Lee, Past Chair

Julie Sandine, Past Chair

Larry Krieger, Past Chair

Amy Bushaw, Past Chair

Marjorie Silver, Past Chair

Kathy Hessler, Past Chair

Bruce Winick, Past Chair

Michael Schwartz, Past Chair

## Notes from the Chair

Susan L. Brooks, Associate Dean for Experiential Learning and Professor of Law, Drexel University Thomas R. Kline School of Law

### 2016: The Year in Balance

I am delighted to be writing this column on the eve of the Balance Section's Ten-Year Anniversary. This newsletter is a fitting tribute to how far we've come and the impact of our members' work within this short time. As I look back at this year, we have offered some wonderful programming and made meaningful strides on many projects. Before I go into all of the accomplishments of our various committees and our Mindfulness Affinity Group (MAG), I want to express my deep gratitude to every Board and Section member for giving me the opportunity to serve as your Chair this past year. I greatly appreciate the support and fellowship of everyone I've had the opportunity to work with in this role. This section is made up of a wide cross-section of faculty and administrators within the AALS, all of whom are tremendously thoughtful, caring, and, overall just fabulous people.



Our programs in 2016 began with an array of offerings at the Annual Meeting in New York. These ranged from daily sessions in the Contemplative Space, sponsored by the MAG, to a rich and lively panel presentation on Finding Your Voice in

the Legal Academy, chaired by Richard Reuben (Missouri), to a Hot Topics program on Trigger Warnings, chaired by Jenny Brobst (Southern Illinois), our incoming Chair. Following the Annual Meeting our Other Programming Committee took over, with Anahid Gharakhanian (Southwestern) at the helm. Anahid organized two engaging and informative topic calls this year. The first featured Paula Manning (Southwestern), speaking about her excellent article Understanding the Impact of Inadequate Feedback: A Means to Reduce Law Student Psychological Distress, Increase Motivation, and Improve Learning Outcomes. The second featured Alli Gerkman, Director of Educating Tomorrow's Lawyers®, speaking about ETL's groundbreaking report on the foundations that are necessary for new attorneys: Foundations for Practice: the Whole Lawyer and the Character Quotient. More information is available at: <http://iaals.du.edu/educating-tomorrows-lawyers>. In addition to these topic calls, the MAG also instituted a series of topic calls with its own impressive line-up, including our very own Richard Reuben (Missouri), the Honorable Donn Kessler (Arizona Court of Appeals), and Nathalie Martin (New Mexico).

This past year also brought other

continued on next page

exciting developments regarding our increasingly popular MAG, co-led by Richard Reuben and Rebecca Simon (Southwestern), with Katerina Lewinbuk (Houston) and Julie Sandine, a former Section Chair, also taking on important leadership roles. After sponsoring a highly successful workshop at the August 2016 SEALS Conference, the MAG was encouraged to propose a “conference within a conference” for the 2017 SEALS Conference that will take place in Boca Raton, Florida. As a result of the tireless efforts of this amazing team, and with the support of the Balance Section, the AALS Executive Committee approved the proposal. So, we can all look forward to what promises to be an enlightening and inspiring two-day event: Mindfulness, Happiness, and Success in the Legal Academy.

Additionally, because of the hard work of our Scholarship Committee over the past several years, we officially launched an updated, on-line, searchable bibliography, which was spearheaded by Debra Austin (Colorado) with the support of Calvin Pang (Hawaii). Here’s the link readers can use to upload recent publications that fall under the broad umbrella of our section’s work: <http://www.law.du.edu/index.php/aals-balance-in-legal-education-bib>. We are also in the process of seeking to get the bibliography published. Calvin Pang also deserves an extra shout-out for working closely with Patrick Riley at the AALS to update our section’s presence on the AALS website, which now includes all of our past section newsletters.

And finally, Amy Bushaw (Lewis & Clark) and Peter Huang (Colorado) have done a stellar job co-chairing our Program Committee, which promises to put on another amazing set of

workshops at this coming January’s Annual Meeting in San Francisco. These include an extended program and a pedagogy program, both of which have an impressive line-up of speakers. The pedagogy program will also feature law students. Details about these programs and the overall schedule for our section’s events, as well as the MAG Programming that will take place in the Contemplative Space, are included elsewhere in this Newsletter.

In closing, alongside appreciating and celebrating this section’s many accomplishments during the past year, I want to take a moment to acknowledge the challenging realities we are facing both in and outside of the legal academy. In light of our recent presidential election and unsettling developments in many of our schools and communities, I hope the Balance Section can continue to be at the forefront of efforts to find constructive and meaningful responses in line with our shared values of respect for human dignity, empathy, and compassion as well as our commitment to promote an ethic of care. Thanks again for a great year, and I hope to see you in San Francisco!

---

## Finding Gems While Cleaning A Dusty Book Case

By Calvin Pang

As the year comes to an end, I do what I occasionally do: I clean out my office book case. On the top shelf, reachable only by standing on my desk, I rediscovered two books published in the 1990s, when I was still new to teaching. I remember being drawn to both titles partly because each contained the word “practice”: Joseph Allegritti’s *The Lawyers Calling: Christian Faith and Legal Practice* and the late Steven Keeva’s *Transforming Practices*. Being a member of clinical faculty, anything practice-oriented caught my eye.

I kept the books because the authors articulated things I was then feeling and still feel. The books were published when the intersection between law practice and a lawyer’s inner well-being had not yet emerged as a topic of widespread academic study or professional attention. Although neither is ancient, Allegritti’s twenty year old work being the older of the two, I think of them as “classics” because their message remains vibrant and fundamental despite the passage of time and the many more recent writings that get our attention.

A long-time professor at Creighton, Allegritti wrote unapologetically from a Christian perspective; yet when he described a lawyer’s hunger for a meaningful professional life that aligns with life sustaining values, he was writing for everyone. And, Keeva, a much beloved editor of the *ABA Journal*, provided instant visibility to the journey of “finding joy and satisfaction in the legal life” (this was the subtitle of his book) by cultivating one’s inner life and letting it transform one’s outer life. Having pulled them down and dusted them off, I thumbed through both

books, reconnecting with them. Three ideas came through. Like many things that are true and wise, they bear repeating, competing against weeds grown tall, fertilized by human frailty. And so I share them here, briefly.

- **Revisioning the client-attorney relationship.** Allegretti re-imagines the contract between client and attorney as a covenant between two whole, sacred persons, one who happens to have skills and knowledge that may assist the other. The equalizing nature of covenant limits attorney self-interest and professional domination, elevating the attorney's conduct beyond just "the mathematical minimalism of contract" to a more transcendent standard. In this, lawyers become friend-like, with the client's best interest at heart. Sometimes this leads to being the only person standing with and for a client at the nadir of his or her life. And while a covenant relationship means acting with compassion, empathy, and care in the relationship, it also means being able to say "no" to a client when necessary to keep the client legally or morally accountable. As Keeva noted, this includes counseling a client against acting vindictively and damaging important relationships, while helping the client let go of resentment, anger, and bias.
- **Listening – the connecting skill.** To facilitate the mutuality contemplated by the two authors, one must listen. Many say this, but not many do it well. Keeva noted that lawyers are more prone to wield, package, and analyze words, using them "as walls or weapons, a means of separating lawyers from others and keeping the relationship merely clinical." We prefer to quickly solve problems, and once we've heard enough to formulate a solution, we mentally bolt from the conversation. But if a lawyer is willing to encounter the client as a partner, an equal, the lawyer must listen. Listening yields more than raw material for a lawyer's problem solving. When done well, it offers presence, connection, validation, and power to the one being listened to. I think of my friend who listens really well to me. Usually, he doesn't say much except for asking open questions, inserting a few prompts (his favorite is "uh, huh"), and reflecting back what I say to him. If I am seeking a solution, I often find it emerging while I talk. It is as if a portal opens for my own intellect, emotions, and spirit to find what I'm seeking.
- **Litigation isn't all about aggression.** Allegretti recalled the observations of Professors Robert Taylor and Robert Cover who thought of litigation as a form of state-sanctioned violence. Allegretti also rued that "litigation tempts good people to behave badly." Trying to describe litigation as experienced by litigants, Keeva quoted author Ambrose Bierce who wrote that litigation was "a machine which you go into a pig and come out of a sausage." Yet, both authors acknowledged that in some cases, litigation is the only way to obtain justice, and perhaps, peace. Allegretti counseled that if litigation is a form of warfare, it must be undertaken as a just war, one that is a measured and discriminate response, which follows or runs parallel to efforts at achieving a solution through alternative means. And it should be an informed decision emerging from a place of mutual trust and respect – the covenant relationship - between client and attorney. Keeva took an additional step, describing the interactions between attorney and client during high-stakes litigation. He saw it as a matter of orientation and attitude. It's not all about winning. It's also about making it one's business to understand the trepidation clients feel and to prepare and strengthen them before, during, and even after the proceedings.

As a clinical teacher, I recognize the unique access and opportunities I have with students. I observe them in their interactions with real clients. I read their assigned reflections, self-examinations that are so crucial to their learning. And unlike my doctrinal courses, my skills courses are packed with rich one-on-one student meetings that lead to conversations that poke at and unpack my students' experiences. In these interactions, students often find affirmation for intelligences and personal qualities that may have been submerged in the traditional law classroom. They sometimes rediscover their reasons for being in law school and reach for strands of meaning that become perceptible as their lives intersect with those of their clients. And sometimes they encounter their own demons as they struggle with the inevitable stressors of law practice, including its moral ambiguities. These moments alternatively inspire and

daunt, but together, they provide opportunities for students to return to their strengths, affirm their core personal values, and sort through the din of law work to find the true and the meaningful.

I will not return my Allegretti and Keeva books to the forgotten top shelf. Thumbing through them, I know that I need to have them at easy reach, where I can more readily use these texts to help my students be attentive to the presence of the sacred in their lives.

Calvin G.C. Pang is Associate Professor of Law, University of Hawai'i at Mānoa

---

# Transformative Learning: Rethinking the One-On-One Student Meeting

By DeShun Harris

Transformative learning often occurs when one determines one's underlying beliefs and values, evaluates those beliefs and values, and considers revision of those beliefs and values. This process can be very difficult if one does not consciously attempt to do so. However, it is a process that faculty, academic support professionals, and others in the law school community can guide students through. One distinctive way in which a student can be guided through this process is through one-on-one meetings.

When one considers the many circumstances in which faculty or staff interact with students, the one-on-one meeting has received less attention than the classroom interaction. Consider the circumstances in which students meet with faculty and staff—to be advised on law review case notes, to receive mentoring, or to visit during office hours to clarify information. Oftentimes, faculty or staff must lead students through the difficult task of determining their sometimes flawed beliefs related to legal writing or the techniques needed to learn and apply legal principles. These one-on-one interactions are an important part of the students' ability to have a transformative experience in law school, as they give students the ability to find a voice by practicing engagement in legal discourse and give the student the ability to determine what they value from engaging more intimately with their professor. Further, one-on-one conferences are important in lightening students' cognitive loads. Cognitive load is the amount of mental energy being expended in the memory; students often suffer cognitive overload when teachers provide too much information rendering the student unable to process the information. The one-on-one meeting can lighten the cognitive load since the professor can make the information more manageable for the student, which will, in turn, add to the transformative experience by freeing the student to contemplate and process internal motivation.

In conducting a transformative one-on-one meeting, research suggests faculty or staff should foster a collaborative and active meeting to allow students to grow into more critical and independent thinkers. Unfortunately, most conferences with students are an extension of our lectures, with faculty being the most vocal, which is more one-sided, and often less effective. A better approach is to create a collaborative meeting that focuses on the students, as they come to our meetings with their own goals and reasoning. In this way, the one-on-one meeting helps the students to determine their underlying beliefs and values as they relate to their goals and reasoning (e.g., what constitutes thinking like a lawyer?). Allowing the students to lead with their questions, concerns, or what they hope to achieve from the meeting, gives the professor the opportunity to listen and dissect student issues, as well as, their stated and unstated beliefs and values. Once the professor understands a student's issues, the professor can undertake the important task of addressing why the student's goals or reasoning may not work, as ignoring these may lead a student to disengage from the meeting and may inhibit the student's ability to process the information. Once addressed, there is an atmosphere that is ripe for giving the student an opportunity to determine his or her beliefs and values by delving into what may be bigger issues for the student to address. It also becomes an opportunity to evaluate beliefs and values by assisting the student in refining reasoning.

When addressing students' issues, particularly those related to academics, research on retrieval and cues offer techniques that can be instructive for one-on-one conferences. For example, creating context for information

strengthens the student's ability to retrieve (or remember) that information later. Context is a method of creating cues, which are used to access information in our long-term memory. This is particularly helpful in a one-on-one meeting as a faculty member can use personal information about a student to create a context to explain concepts (e.g., an engineer may be better able to conceptualize something if related to a formula). Further, the act of retrieval, recalling information from memory, is also a tool for learning, as it is believed that it improves the match between the cue and the desired information. A one-on-one meeting can use retrieval by having a professor-student exchange in questioning, clarifying, and summarizing legal principles. These tools maximize each student's ability to learn the material because students will more effectively store information into their memories and will be better able to retrieve it accurately. Further, using these tools shifts the one-on-one meeting from conveying information to allowing the student to engage with the concept and grapple with how their values and beliefs as to learning may be less effective and ripe for revision.

---

DeShun Harris is Assistant Director of Academic Support and Bar Services, Texas A&M University School of Law

## Innovative Programming

### Georgetown Expands its Lawyers in Balance Program

By Jarrod F. Reich

Both the study and practice of law are, to say the least, emotionally challenging. Fortunately for students at the Georgetown University Law Center ("GULC") they have the opportunity to learn and practice essential "mind-body" techniques to lead a balanced life in law school and beyond by enrolling in the Lawyers in Balance ("LIB") program.

Adapted from a Mind-Body Medicine course for graduating students at the Georgetown Medical Center, LIB is a non-credit, semester-long course in which students learn several essential skills to lead a balanced life in law school and beyond. In groups led by experienced volunteer "facilitators"—Georgetown faculty, staff, administrators, and alumni—students learn several stress-reducing, self-care, and self-awareness techniques, such as mindfulness and autogenic meditation, guided imagery, journaling, and reflective discussion.

Now in its ninth year, Georgetown has seen the need for an expansion in LIB. Accordingly, LIB has been expanded in two critical ways beginning in Fall 2016. First, it doubled its number of facilitators after ten GULC community members engaged in an intensive three-day weekend in Maryland's Eastern Shore, where they were introduced to and immersed in the power of the "mind-body" skills they would then teach to students. Second, in addition to its traditional two-hour weekly course open to all JD, LLM, and SJD students, LIB created a one-hour weekly course exclusively for

### The NCCU Law Virtual Justice Town Hall

By April G. Dawson

Lawyers, because of the adversarial nature of the legal profession, have to be adept at dealing with conflict and emotionally charged circumstances. Thus, legal education must include opportunities for dialogue addressing difficult topics. Following the highly publicized killings of African Americans at the hands of police, most recently in 2014, 2015, and 2016, tensions were high across the nation as citizens protested both the use of unnecessary deadly force by and large against African American men by law enforcement and the use of excessive force by police during citizen protests of the killings. The disturbing deaths and resulting public outcry over policing provided an opportunity for North Carolina Central University ("NCCU") School of Law to address the concerns of law students and the community at large, and to model for law students effective engagement of difficult issues.

In an effort to facilitate meaningful dialogue surrounding concerns over excessive force by police, NCCU Law, through its Virtual Justice Project, hosted a virtual town hall on September 28, 2016. The purpose of the town hall was to bring together representatives from law enforcement, NCCU and other North Carolina universities, and the community at large to discuss ways to strengthen relationships between law enforcement and the community.

The town hall was initiated by Adam Whitaker, a second year law student at NCCU and a former law enforcement officer himself. When Robert Hassell,

## Georgetown Law-continued



Members of the Lawyers in Balance Program

first-year JD students. As a consequence, nearly seventy students enrolled in LIB this past semester, with enrollment expected to eclipse that amount in Spring 2017.

I was privileged to serve as a facilitator this past semester. For me, the group and the program are transformative. LIB not only allows students and facilitators alike to promote and practice important self-care techniques, it also creates and fosters an unparalleled sense of community. The students in my group found the weekly sessions to be a “welcome refuge” and a “space to breathe and be [themselves].” Some expressed that the program itself was “critical” to their well-being. Fortunately, more students will be able to find such a refuge next semester and beyond.

More information about LIB can be found at <http://www.law.georgetown.edu/campus-life/health-wellness/lawyers-in-balance/index.cfm>.

---

Jarrod F. Reich is Associate Professor of Legal Research and Writing at Georgetown University Law Center



NCCU Virtual Classroom with Dean Phylliss Craig-Taylor (standing) and members present (and virtual) from other North Carolina campuses, law enforcement, and the community at large.

## NCCU Law-continued

Reidsville Chief of Police and president of the North Carolina Association of Chiefs of Police, asked Whitaker about organizing a community event at the law school, Whitaker reached out to the directors of the law school’s Virtual Justice Project — Pamela Glean, Professor of Law at NCCU, and Gregory Clinton, the law school’s Director of Information Technology. The law school’s Virtual Justice Project, which has been in existence since 2010, is an innovative legal education and technology pairing that built a state-of-the-art Virtual Classroom at the law school, with corresponding equipment at its sister sites. The Project allows high definition videoconferencing between NCCU Law, other North Carolina university campuses, and legal aid offices throughout the State as a means to provide legal education to students, and legal information and assistance to underserved members of the community.

The goal of the town hall was to have open discussion about ways to build, improve, and maintain community-police relations in North Carolina, and to discuss ideas and strategies that community leaders and police departments could take back to their respective communities. Utilizing the Virtual Justice Project technology, the town hall audience members at the participating Virtual Justice Project campuses were able to view the panel discussion and ask questions via the videoconferencing technology. The town hall participants included police chiefs from Reidsville, Durham, Chapel Hill, Cary, NCCU, Winston Salem, and Winston Salem State University. The panel also included community representatives, and NCCU Law professors. Following the panel, each participating campus was able to have a discussion with community members and law enforcement in attendance at their respective locations. During these onsite discussions, law students and community members were able to talk about their experiences with law enforcement and offer suggestions on how the police can improve their image and relationship with the community.

The need for dialogue continues. NCCU Law and the Virtual Justice Project will continue to host important community discussions, which will not only facilitate societal progress, but will serve to model for students means by which to engage in difficult, but necessary conversations.

April G. Dawson is Associate Professor, North Carolina Central University School of Law

# A SPECIAL ISSUE:

## MINDFULNESS, WRITING, AND THE INNER LAWYER

By Shari Motro

The University of Richmond Journal of Law and the Public Interest has recently created a very special issue devoted to Mindfulness, Writing, and the Inner Lawyer. The issue comprises fifteen short, perceptive pieces in a variety of genres including personal narrative, fiction, traditional scholarship, and poetry. Several contributors are members of the Balance in Legal Education Section. See volume 19(4) at <http://scholarship.richmond.edu/jolpi/vol19/iss4/>

“Our professor began with a short meditation. In the course of the meditation, I experienced something I had never felt before in law school: peace.”

– from Letter from the Editor, Law Student and Editor-in-Chief, Katherine R. Schroth

“In a sense, mindfulness invites us into dialogue. Dialogue with ourselves, dialogue with colleagues and mentors, dialogue with this thing we call Law. If we are lucky, it can help us turn it into more than a job or a career. If we are lucky, Law can become a vocation, an ongoing and evolving relationship, perhaps even a healing one.”

- from the Forward by Shari Motro, Professor of Law, University of Richmond

## AALS Revamps Website Access to Sections in 2015

### **How do I access the Balance in Legal Education Section Websites and listservs?**

Go to <http://connect.aals.org>. *ConnectAALS.org* is the online home to the scholarly and professional sections that make AALS a learned society. In 2016, the AALS revamped the page to provide a more streamlined design. This page will require that you input your AALS password.

For more general information about the section, go to <http://www.aals.org/services/sections/> and you will find the Balance in Legal Education Section under “Administrative Sections.” This page is open to the public and is not password protected. The Balance Section also has a separate website which houses its Bibliography of relevant materials. Go to [www.balanceinlegaleducation.org](http://www.balanceinlegaleducation.org).

### **What listservs are provided by the Balance Section?**

The Balance Section has an announcement listserv and a discussion listserv. You can access their email on <http://connect.aals.org/balance>. If you have any difficulty, please contact our section’s Executive Board Secretary, Heidi Brown at [heidi.brown@brooklaw.edu](mailto:heidi.brown@brooklaw.edu).

### **How do I know if I’m getting all of the listserv announcements?**

Go to <http://connect.aals.org> and you can check each section’s public listserv activity and content. See the top right corner of the web page under the icon “Listservs”. Also be sure to check any spam/junk/quarantined folders in your email account to see if the section’s email is being redirected there.

### **How do I access past Section newsletters?**

Go to <http://www.aals.org/services/sections/> and you will find the Balance in Legal Education Section under “Administrative Sections” and every past Balance Section newsletter in pdf format.

You may also access them at: <http://balanceinlegaleducation.org/newsletters/index.html>.

### **What if I keep having technical difficulties in accessing the Section’s websites and listservs?**

We hope this is not the case and that you experience a smooth process in getting section and member information, but just in case... The AALS community manager, Patrick Riley, is very helpful with tech questions and can be reached at (202) 296-1566 or [priley@aals.org](mailto:priley@aals.org) or you may contact [support@aals.org](mailto:support@aals.org)

# MAG Making Big Strides

By Richard C. Reuben

The Mindfulness Affinity Group (“MAG”) had a busy fall semester and is aiming for even greater heights next year.

As always, our monthly Topic Calls were the foundation of the MAG’s activities, and we had fascinating and well-attended Topic Calls on mindfulness research and programs that have been implemented at different schools. Julie Sandine, Vanderbilt University, organized the calls, which were led by Richard Reuben, University of Missouri; Judge Donn Kessler, Arizona State University; and Nathalie Martin, University of New Mexico.

The MAG also continued to develop its Resource Bank (the MAG Idea Databank) at <https://mindfulnessinlawsocietywordpress.com.wordpress.com/2016/04/27/mag-idea-bank-database/>, which has syllabi, student handouts, etc., that you are welcome to use if you want to try incorporating mindfulness into your teaching or service work at your law schools. Contributions should be sent to Rebecca Simon of Southwestern Law School at [rsimon@swlaw.edu](mailto:rsimon@swlaw.edu).

The MAG has also been working closely to develop the Law Student Division of our sister organization, the Mindfulness in Law Society. In just six months, the Law Student Division has established chapters at 15 law schools: Arizona State, Columbia, CUNY, Emory, Georgia State University, Maryland, Miami, Michigan State, Missouri, Northwestern, Southwestern, Touro, Tulane, William & Mary, and Vanderbilt. If you have students at your school who are interested in forming a local chapter, please have them contact the Mindfulness in Law

Society National Student Division Chair, Austin Charles, at [austincharles08@gmail.com](mailto:austincharles08@gmail.com). New chapters can get started at any time.

The Mindfulness in Law Society Law Student Division will help support the Contemplative Space at the AALS Annual Meeting in San Francisco in January 2017. In August 2017, the Law Student Division will hold its first annual meeting in conjunction with the SEALS Mindfulness Conference.

Looking ahead, the MAG is organizing a mini-conference on Mindfulness in the Legal Academy that will be a part of the 2017 SEALS Annual Meeting in Boca Raton, Florida. It will be a two-day conference on Thursday, August 3 and Friday, August 4. The first day will include morning yoga, a welcome plenary, keynote, reception, and panels on an Introduction to Mindfulness, Mindfulness and Scholarship, and Mindfulness and Service. The second day will continue with morning yoga, panels on Mindfulness and Student Success, Mindfulness and Legal Writing, and Mindfulness and Emotional Intelligence in Law Schools. There will be a three-hour mindfulness mini-retreat in the afternoon.

The mini-conference is cosponsored by the AALS Balance in Legal Education Section, SEALS, the Mindfulness in Law Society, and the Frederick P. Lenz Foundation, which is providing funding. The planning committee includes Balance Section members Richard Reuben (Missouri), Katarina Lewinbuk (South Texas), Leonard Riskin (Northwestern), Scott Rogers (Miami), and SEALS President Nancy Levit (UMKC).

The SEALS conference will be an important event for the MAG and the Balance Section, allowing us to continue to coalesce the mindful academics community, and to introduce the practice to many other academics attending SEALS who might be interested in learning what the mindfulness buzz is about. In that spirit, please feel free to share this article with anyone you know in the academy who might be interested. They can now sign up to join the group at [https://groups.google.com/forum/#!forum/mag\\_aals](https://groups.google.com/forum/#!forum/mag_aals), and should also send a note to [support@aals.org](mailto:support@aals.org) to join the AALS Balance in Legal Education Section.

---

Richard C. Reuben is the James Lewis Parks Professor of Law and Journalism, Missouri School of Law

## The Florida Bar Journal Devotes Entire Issue to Mindfulness in Law

The April 2016 issue of the Florida Bar Journal was devoted to the exploration of mindfulness in law. Balance Committee Member Scott Rogers, who founded and directs the University of Miami School of Law’s Mindfulness in Law Program, edited the issue and penned the article, “Mindfulness in Law and the Importance of Practice.” Contributors also include Judge Alan Gold (The Art of Being Mindful in the Legal World: A Challenge for Our Times), Professor Rhonda Magee (If you Plant Corn You Get Corn: On Mindfulness and Racial Justice in Florida and Beyond), and Michael Cohen (Mindfulness: Staying in the Now), and practicing attorneys contributed tips and practices for bringing mindfulness into daily life.



# 2017 AALS Annual Meeting in San Francisco, CA.

Hilton San Francisco Union Square  
January 3 – January 7, 2017

## BALANCE IN LEGAL EDUCATION PROGRAMS



### **Wednesday, Jan. 4 – Balance Section Pedagogy Program - Understanding and Connecting the Student Experience**

Students' perspectives on law school may influence their effectiveness and well-being. Yet as we progress as professors, our own student histories fade into the distance. Over time, it's all too easy to make assumptions about how students are reacting to the law school experience, and to miss opportunities to craft our teaching to address their actual needs. In this session, Professors Bankman and Magee will join a panel of students to reflect on the many and varied ways people experience law school. The professors will also describe specific strategies they have used to understand and connect with the students' felt experience. Professor Bankman is a clinical psychologist as well as a lawyer, and among other things has developed a course on anxiety psychoeducation. Professor Magee is a national leader in the movement to humanize legal education and an expert on contemplative pedagogy. This program is appropriate for those who are new to teaching as well as more experienced professors who seek to refresh or enrich their own practices.

Moderator and Speaker: Joseph Bankman, Stanford Law School

Moderator and Speaker: Rhonda Magee, University of San Francisco School of Law

### **Thursday, Jan. 5 – Co-sponsored Balance Section program with Women in Legal Education and Minority Groups - Cultivating Empathy**

This panel will discuss how best to teach students about sensitive issues related to topics of gender, race, poverty, sexual orientation, and other defining characteristics. The panel starts from the premise that professors' identities affect how we teach and how our teaching is perceived by students. Students' identities also affect how they learn and how they react when confronted with issues that trigger special sensitivities, or, conversely, issues and topics about which they have no personal experience. How can professors cultivate empathy among the students and raise the students' emotional intelligence? How can professors best teach students to understand and tolerate differing viewpoints? This is important not only to teaching and learning, but also to the effective representation of clients and practice of law.

Moderator: Rebecca E. Zietlow, University of Toledo College of Law

Speaker: Susan L. Brooks, Drexel University Thomas R. Kline School of Law

Speaker: Jamila Jefferson-Jones, University of Missouri-Kansas City School of Law

Speaker: Rhonda Magee, University of San Francisco School of Law

Speaker: Lisa R. Pruitt, University of California, Davis, School of Law

Speaker: Tirien Steinbach, University of California, Berkeley School of Law

Speaker: Howard M. Wasserman, Florida International University College of Law

## PROGRAMS CONTINUED

### **Friday, Jan. 6 – Balance Section Program - Transformative Learning: Helping Students Discover Motivation, Values and Voice**

It is no secret that law school can be a transformative experience. In this program, participants will discuss strategies to support the kind of transformation that will poise students to flourish in their post-law school lives. Drawing on psychology, education theory, and the growing literature on professional identity development, participants will explore the factors that contribute to student motivation, as well as those that encourage students to discover their own values and begin to develop their own voices as professionals. Social psychologist Dacher Keltner will speak about awe, compassion, empathy, and power. The program will include concrete teaching suggestions and techniques. The format will be interactive to allow for broad discussion and the exchange of experiences and ideas.

Moderators: Amy C. Bushaw, Lewis and Clark Law School & Peter H. Huang, University of Colorado Law School

**Speaker:** Professor Dacher Keltner, University of California at Berkeley, Department of Psychology

**Speaker:** Alexi Freeman, University of Denver Sturm College of Law

**Speaker:** Jerome M. Organ, University of St. Thomas School of Law

**Speaker from a Call for Papers:** Shari Motro, The University of Richmond School of Law

---

### The Balance Section is Growing

This year the Balance Section membership increased 29% from 152 members in October 2015 to 196 members in December 2016.

---

### Welcome New Board Members

**Richard C. Reuben**, James Lewis Parks Professor of Law at University of Missouri and a founder and Chair of our Mindfulness Affinity Group.

**Jarrod F. Reich**, Associate Professor of Legal Research and Writing at Georgetown University School and a past panelist on our 2015 AALS Meeting Pedagogy Program on Best Practices in Teaching.

**Jennifer A. Brobst**, Assistant Professor at Southern Illinois University School directing the Health Law and Policy Program and currently Chair Elect on the Executive Board.

**Heidi K. Brown**, Director of Legal Writing and Associate Professor of Law at Brooklyn Law School, a previous members, who currently serves as Secretary of the Section.

## An Aside from Chair-Elect

By Jennifer A. Brobst

You'll notice that the 2017 AALS Meeting theme is "Why Law Matters". To be candid, my first reaction was that this was either a safe and bland theme or an overly dramatic call to arms that chaos is upon us. AALS President Kellye Testy explains that it is neither. She quite artfully states that it is a reminder of the enduring need for structure, fairness and rationality in society, which the law and legal profession facilitate. According to Testy, "Making our case is both urgent and important—especially in the current environment where many aspects of law are troubled and vivid: race-based violence and racial inequity in our criminal justice system; growing access to justice gaps as economic inequality widens; honest businesses struggling to compete in countries that do not value law and justice; deepening ethnic and religious conflicts and resulting migration surges; devastating gun violence expanding in number and scope." For her full statement, see <https://www.aals.org/am2017/presidents-theme/>.

As a section with a membership of nearly 200 academic legal professionals, the Balance in Legal Education Section is broad in background and focus, but with a unifying theme that law students, teachers, lawyers, and judges matter. For us to help divergent aspects of society work together through lawmaking, negotiation, and client representation, we must help each other as well to remain strong in doing this work. The Balance section is innovative in helping legal professionals remain resilient, fair, and supported in their important, but demanding jobs. We are a section that remembers and notices law students and legal professionals as people, so that we may better serve clients and community. Although my state is working through a budget crisis which prevented me from attending the AALS Meeting this year, I am glad that AALS has highlighted the importance of social justice this year and grateful that the Balance in Legal Education Section exists to remind us of the humanity of our profession.

Jennifer A. Brobst is Assistant Professor of Law, Southern Illinois University School of Law



## Celebrate Your Scholarship

The Balance in Legal Education Section has a growing and inspiring Bibliography. For several years, Executive Board members Debra Austin (University of Denver) and Calvin Pang (University of Hawai'i) and others on the Scholarship Committee have diligently collected our members' and colleagues' published works related to balance and well-being in the legal profession. **We invite you to add your scholarship to the database**, which is generously housed on the University of Denver Sturm College of Law website and easily accessible on the Balance in Legal Education website: <http://balanceinlegaleducation.org/resources/resources/bibliography.html>

For example, the new additions to the Bibliography in 2014-2016 include the following:

Debra S. Austin, Drink Like a Lawyer: The Neuroscience of Substance Use and Its Impact on Cognitive Wellness, 15 Nev. L. J. 826 (2015)

Jennifer A. Brobst, The Impact of Secondary Traumatic Stress among Family Attorneys Working with Trauma-Exposed Clients: Implications for Practice and Professional Responsibility, 10 J. of Health & Biomedical Law 1-54 (2014)

Jennifer A. Brobst, Miranda in Mental Health: Court Ordered Confessions and Therapeutic Injustice for Young Offenders, 40 Nova L. Rev. 387 (2016)

Heidi K. Brown, The Emotionally Intelligent Law Professor: A Lesson from the Breakfast Club, 36.3 U. Ark. at Little Rock L. Rev. (2014)

Heidi K. Brown, Empowering Law Students to Overcome Extreme Public Speaking Anxiety: Why "Just Be It" Works and "Just Do It" Doesn't, 53 Duquesne L. Rev. 182 (Winter 2015).

Heidi K. Brown, The Mindful Legal Writer: Mastering Predictive and Persuasive Writing (1st ed., 2016)

Peter H Huang, Corie Rosen Felder, The Zombie Lawyer Apocalypse, 42 Pepperdine L. Rev. 727-72 (2015)

Peter H Huang, How Improving Decision-Making and Mindfulness Can Improve Legal Ethics and Professionalism, 21 J. of Law, Bus. & Ethics 35-76 (2015).

Peter H. Huang, Meta-Mindfulness: A New Hope, 19 Richmond J. of Law and the Public Interest 303-24 (2016).

Scott L. Rogers, Mindfulness in Law, In "The Wiley-Blackwell Handbook of Mindfulness," Amanda Ie, Christelle Ngoumen & Ellen Langer, Editors. (Wiley- Blackwell) (2014)

Scott L. Rogers, Mindfulness and the Importance of Practice 90 (4) Fla. B. J (April 2016)

Scott L. Rogers, The Role of Mindfulness in the Ongoing Evolution of Legal Education, 36 U. Ark. Little Rock L. Rev. 227 (2015)

# Contemplative Space at the 2017 AALS Annual Meeting

This technology-free space is available for quiet contemplation and individual restoration for those attending the annual meeting. The Contemplative Space features daily guided group meditations as well as mindful-movement activities throughout the conference. For those new to mindfulness, our Introduction to Mindfulness sessions offer a general explanation of mindfulness and its potential applications in legal education. Meditation sessions will vary between guided breath meditations, choiceless awareness meditations, and body scans. The Mindful Movement



meditation, and qi gong (a practice similar to tai chi). No prior experience is necessary to attend the classes offered.

The Contemplative Space is sponsored by The Mindfulness Affinity Group of the AALS Section on Balance in Legal Education. Classes held in the Contemplative Space are coordinated and instructed by representatives of the Mindfulness in Law Society, Student Division.

You are welcome to catch your breath, rest and reflect in the Contemplative Space between group practices as well. All are welcome!

## Daily Group Practices Schedule

8 am – 8:30 am

Mindfulness Meditation

9 am – 10 am

Mindful Movement

12 pm – 1 pm

Introduction to Mindfulness

2:30 pm – 3:30 pm

Mindful Movement

5 pm – 5:30 pm

Introduction to Mindfulness

## A FOUNDER'S REFLECTION ON THE HISTORY OF THE SECTION

By Amy Bushaw, Professor of Law at Lewis & Clark Law School



My involvement with the section has been richly rewarding. The Section unites people with many perspectives and roles in legal academia, and the resulting discussion allows for a remarkable and highly unusual melding of theory, practice and camaraderie. People in law school circles have long rued the distress they have observed among their students, but some saw it as merely a rite of law school passage.

The Section has spotlighted not only the very real distress law students experience, but also the degree to which that distress stands as a barrier to their effectiveness as students and lawyers. Beyond highlighting the problem, the Section has been successful in inspiring a rigorous and science-based dialogue on strategies to improve law school culture to make it more supportive and humane.

Many individuals have contributed to this effort, in myriad different ways. To name just a few, Mike Schwartz, the chair of our section before we were a section, has done so much to illuminate that attention to law student well-being is an essential component of effective teaching. Larry Krieger and Todd Peterson, among others, have demonstrated startling empirical support for the proposition that the inner lives of law students and lawyers matter, and there is much

continued on next page

we can do in our teaching to support their autonomy and ability to pursue matters that are of intrinsic value to them. Marjorie Silver and Calvin Pang, among others, have drawn out the importance of emotional and spiritual dimensions of legal studies and practice, and have provided inspiration to many of us who have otherwise found those themes to be absent in legal education. Julie Sandine has brought grace and humanity to the way in which we conceptualize student services, and has developed ground-breaking programs that have been models for initiatives at many schools.

The number of people who have contributed to the work of the Section in direct and substantive ways is truly remarkable. At bottom, one of the things I have found to be the most remarkable about the Section is that it attracts people of energy and good will to a subject dear to their hearts and engaging of their minds. They keep students at the center of their focus, and walk the talk in their teaching, service and scholarship. The things I have learned from these exceptional folks enrich my teaching on a daily basis and help to provide meaning to my own professional pursuits. I'm so grateful to have been involved with this wonderful Section for so many years, and hope to continue to do so for many more.

---

## Keeping it Real: Facing Enduring Stressors in the Legal Profession

Reviewing 2016 U.S. News Law School data, more than 50% of all students in every law school in the U.S. graduates with significant student loan debt, with an average indebtedness of a low of \$54,988 to a high of \$172,726. One outlier law school had less than half of its students graduating with debt, but the average debt for those students was over \$80,000. According to an August 17, 2015 press release by Zillow, the real estate network, first-time home buyers are less likely to be married and are renting for six years before buying, compared to an average of 2.6 years in the 1970s. Millennials are moving to the coasts to follow job growth, but also face more expensive rental and housing markets in these locations. - <http://zillow.mediaroom.com/2015-08-17-Todays-First-Time-Homebuyers-Older-More-Often-Single>

Katy Stech, *Judge Says Bankrupt Law Grads Can Cancel Bar Loans*, Wall St. J. (March 25, 2016): "A federal judge ruled law-school graduates who file for bankruptcy protection can cancel the debt they racked up while studying for the bar exam, finding such loans are different from traditional federal student loans that are rarely canceled by bankruptcy." Note that federal courts are split on this issue, but may be chipping away at the inability of graduates to discharge student loan debt in bankruptcy. - <http://www.wsj.com/articles/judge-says-bankrupt-law-grads-can-cancel-bar-loans-1458941328>

*NALP Diversity through Infographics: From Law School to Partnership* was released by the National Association for Law Placement in 2016, introducing key findings on diversity in the legal profession in the United States. In 2010, representation of women and minorities in law firms fell for the first time in American history. Attorneys who identify as women take public interest positions and clerkships at a higher rate than those who identify as men. LGBT data on law graduates was collected for the first time in 2014, finding that graduates who self-reported as LGBT were more likely to take public interest positions and were least likely to be employed in law firms; among LGBT attorneys working in law firms, a higher percentage were represented in large firms. Twenty-seven per cent of new graduates self-identified as a racial or ethnic minority, with Asian-American attorneys more highly represented in private firms than any other racial group. The current rate of Hispanic and African-American representation as law firm associates is on a par in 2016, but since 2010 African-American representation has declined, while Hispanic representation has changed little.

- <http://www.nalp.org/uploads/Membership/2016NALPDiversitythroughInfographics-FromLawSchooltoPartnership.pdf>

"Nine in 10 law schools have allowed LSAT scores of students in the bottom quartile to drop—meaning those whose scores are already the lowest of the class are getting even worse—according to a December report by the nonprofit that creates part of the Bar Exam. Meanwhile, the employment rate for law grads fell for the sixth consecutive year in 2014, according to the National Association for Law Placement."

- <https://www.bloomberg.com/news/articles/2015-03-19/law-school-applications-will-hit-their-lowest-point-in-15-years>

# The Introverted Lawyer: Empowering Our Quiet Advocates to Find Their Authentic Lawyer Voices

By Heidi K. Brown

As many of you know, my research, scholarship, and conference presentation focus (bordering on obsession!) over the past few years has been on the topic of the quiet law student. Having suffered from extreme public speaking anxiety myself as a law student, litigator, and new law professor, I felt—for years—that there was something wrong with me, or that I didn't have a "thick enough skin" to cut it in the legal world. Even so, I loved (and thrived in) my legal research and writing role in the law firm. When I transitioned from law practice to teaching, noticing similar stressors impacting many of my strongest legal writing students finally ignited me to (1) study the differences among introversion, shyness, and social anxiety and how these characteristics manifest in the legal context, (2) unearth the roots of reticence in many of our hard-working students in the face of the Socratic method and oral arguments, and (3) develop techniques to help these insightful future lawyers amplify their voices in an authentic manner. I am excited to report that my latest project, a book called *The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy*, is forthcoming from Ankerwycke Books in the Spring of 2017. This book is a culmination of eight years of psychology research, self-study, and collaborative workshops with students tackling challenges in Socratic classrooms and performance-oriented scenarios.

The book starts by explaining the differences in how introverts and extroverts process information and communicate about topics that require analytical thinking, and then draws important additional distinctions among introversion, shyness, and social anxiety. Subsequent chapters examine the impact of our extrovert bias in law school and practice on quiet individuals, and explore how our emphasis on instantaneous and rapid-fire discourse—in the classroom, conference room, and courtroom—without reasonable time for contemplation and processing can pose challenges for quiet but intelligent thinkers and writers. Next, the book highlights greatly valued proficiencies that quiet individuals offer to the legal profession, such as active listening, deep thinking, sensitivity, empathy, thoughtful writing, etc. The book's premise is that we need to make room for these transformative advocates in our profession.

Of course, recognizing that, at some point, all law students and lawyers need to engage effectively with others, the second half of the book offers a seven-step process for quiet law students and lawyers to amplify

**"Quiet law students and lawyers offer impactful gifts to the profession, such as active listening, empathy, deliberate thinking, and insightful writing."**

their lawyer voices in an authentic manner. Too often, confident teachers, mentors, peers, and family members goad introverted, shy, and socially

anxious individuals to "just do it!" or "fake it till you make it"! Having bullied myself through that approach for years, repeatedly faltering, I encourage an opposite tack. It's okay and actually beneficial to be a naturally quiet law student and lawyer. Quiet law students and new lawyers do not need to alter their personas or fake extroversion to be impactful and powerful advocates. Indeed, however, a bit of mindful personal re-framing can make a huge difference in powering up to step into the fray. Drawing from numerous psychology resources, the book offers the following seven steps for amplifying our quiet voices in the legal arena: (1) mental reflection: identifying negative messages from past experiences that automatically censor us in anticipation of, or during, a law-related interpersonal interaction; (2) physical reflection: noting physical stress reactions triggered by the anticipation of, or participation in, an interactive law-related event; (3) mental action: beginning to eject unhelpful messages from the past and craft useful taglines and prompts for the future; (4) physical action: adopting new physical stances, postures, and movement techniques to better manage and channel excess energy ignited by a law-related interpersonal exchange; (5) action agenda: constructing a reasonable and practical "exposure" agenda of realistic law-based interactions and ranking them from least stressful to most anxiety-producing; (6) pre-game and game-day planning: developing personalized mental and physical pre-game and game-day routines for each law-related exposure agenda item, and stepping into the agenda with purpose; (7) post-action reflection, and paying it forward: reflecting

the different ways individuals process complex legal concepts before they are ready to converse about them—we further censor some of our most empathetic, insightful, analytical, and potentially impactful advocates. Instead, let's understand how legal education and practice unwittingly hamper these voices, provide a platform for them to cultivate their strengths and gain power, and then marvel as they transform our profession.

Heidi K. Brown is Director of the Legal Writing Program and Associate Professor of Law at Brooklyn Law School

## Winter Reading Recommendations from our Section Members

**Rebecca Simon, Associate Professor of Law and Co-Director of the Peak Performance Program and Academic Success and Bar Related Programs at Southwestern Law School, recommends:**

- *Stress Management for Lawyers: How to Increase Personal and Professional Satisfaction in the Law* by Amiram Elwork (1997, revised in 2007), as a time tested and important read.

**Chris Osborn of ReelTime CLE in Charlotte, NC, which provides ethics and professional well-being seminars for attorneys, recommends:**

- *The Anxious Lawyer* (2016) by Jeena Cho and Karen Gifford, giving a great introduction to the concept of mindfulness as applied in the practice of law and a must-read for law students;
- J. Kim Wright's newest book, *Lawyers as Changemakers, The Global Integrative Law Movement* (2016), with great stories of lawyers breaking outside of the traditional molds, reinventing themselves, and practicing law in order to survive and thrive; and
- *The Addicted Lawyer* (2016) by Brian Cuban, who has written several good articles in a regular column on [abovethelaw.com](http://abovethelaw.com), and he's got an incredible story of wreckage, recovery, and redemption that should make for a compelling read.

**Amy Bushaw, Professor of Law at Lewis & Clark Law School, recommends:**

- *Rising Strong: The Reckoning. The Rumble. The Revolution* (2016) by Brené Brown, now a New York Times #1 bestseller, as an appealing “pastry” read on “what it takes to get back up” – her books seem light and fluffy reads, but the flavors are so subtle that the insights linger.

## MARK YOUR CALENDAR: Upcoming Balance in Legal Education Section Events

**May 5 – 9, 2017, Denver, CO – 40th AALS Annual Conference on Clinical Legal Education, Serving the Client in Tumultuous Times: Fostering Responsibility to Individuals, Communities, and Society in Clinical Legal Education**

**June 22-24, 2017, Washington DC – AALS Workshop for New Law School Teachers**

**July 31 – Aug. 6, 2017, Boca Raton, FL – Mindfulness in Law Schools Conference, SEALS Annual Meeting**  
(supported by the Mindfulness Affinity Group of the Balance in Legal Education Section)

- Two day mini-conference within SEALS conference
- Includes a day of programming related to Mindfulness in law school teaching, scholarship and service, and a day of retreat
- For more information, contact Katerina Lewinbuk, South Texas College of Law Houston ([klewinbuk@stcl.edu](mailto:klewinbuk@stcl.edu))

**Jan. 3-6, 2018, San Diego, CA – 112th AALS Annual Meeting**

# HAPPY 10 YEAR ANNIVERSARY BALANCE SECTION MEMBERS

By Jennifer Brobst, Southern Illinois University

It's hard to believe, but ten years have actually passed since the Balance Section obtained official status in the American Association of Law Schools (AALS). We'd like to take a moment and look back on how this very successful collaborative endeavor came about.

Bruce Winick of the University of Miami School of Law crafted a history of the Section in 2010 in the *Journal of Legal Education*, as did Marjorie Silver of the Touro Law Center in the 2012 *Touro Law Review*, describing an array of programs across the country working to improve law student well-being. They identify the roots of the Section as dating back to 1999 when Larry Krieger of the Florida State University Law School developed the Humanizing Legal Education Listserv. Collaboration inspired new programming on law student and professional well-being, and new programming led to a greater presence in AALS.

In 2006, at the suggestion of Ann Iijima of William Mitchell School of Law, AALS sponsored a full-day Workshop on A Search for Balance in the Whirlwind of Legal Education, attracting more than 300 attendees. By June 2007, AALS granted the Balance in Legal Education Section provisional status, with Professor Krieger as its first Chair. Immediately, AALS programming by Susan Daicoff, D'Lorah Hughes, and many others in the Section, was met with enthusiasm by the academy. The first Equipoise Section newsletter emerged in 2009, in which Section Chair Bruce Winick remarked that Balance in Legal Education is an "intentionally broad and ambiguous phrase," inviting creative introspection and discussion on how to ensure balance in the profession for its members and services, ensuring that the profession itself is continuously examined.

Here we are, ten years later, with the benefit of hindsight inviting us to consider not just how, but why it all came to be. It's an interesting journey involving science and medicine and a diversified, more self-aware legal academy. The intersection of law and psychology perhaps planted the first seed, as noted in Marjorie Silver's extensive historical scholarship citing Jerome Frank's work in 1930 and Howard Sacks' 1950s Human Relations course for law students. Note that in 1952 the DSM-I was published, laying out generally agreed upon criteria for mental health diagnosable disorders. Following the first nutshells in Client Counseling in the 1960s and 70s, James Elkins revitalized the notion of a

"humanistic" approach to lawyering in 1983. Legal education had begun to show clear signs of a larger national identity, with the AALS providing its first programming in 1969. While the California State Bar established the first Lawyer Assistance Program to address alcohol abuse in 1973, by 1981 at least 27 state bar associations followed suit and quickly expanded to provide a broader array of services to attorneys.

By the 1990s, mental health research experienced its own renaissance, with greater research gains and public familiarity with services for diagnosable conditions from mild depression to more severe forms of mental illness, such as posttraumatic stress disorder. The DSM-IV was published in 1994. Law school clinical education was making greater inroads into the pedagogical mainstream, identifying the need to better understand lawyer-client relationships. For example, Joan Meier's work on better serving domestic violence clients addressed the risk of empathic transference in client counseling, as did Marjorie Silver's work in a clinical legal education setting.

In the new millennium, a confluence of trends occurred, with improved medical and genetic knowledge of what influences well-being, along with a more directed movement to expand the scope of law school education beyond traditional doctrinal pedagogy. In 2003, the Human Genome Project successfully completed mapping the human genome. Social progress did not match scientific advances, however, where the American Bar Association had not elected an African-American President until 2003. In 2004, Robert Schuwerk wrote that "there is a raging debate in legal education concerning whether law schools do enough to train their charges to be competent and ethical practitioners." Sure enough, The Carnegie Report was published in 2007, a landmark statement of the importance of imbuing more experiential skills in law students, including reflective moral judgment, the same year that the Balance in Legal Education Section was given official status. In the meantime, the U.S. had been at war since Oct. 7, 2001 when U.S. troops landed in Afghanistan following the tragic 9/11 attack in New York City and Washington D.C. Medical research advances followed on topics such as traumatic brain injury, as well as the impact of social isolation, chronic stress and traumatic stress among service providers, including lawyers and judges.

Has the Balance Section addressed all of these interests

[continued on next page](#)



equally? No, but we are still newly “self-aware” as a section. As Bruce Winick noted, we benefit from a nebulous title (what is “balance” anyway?) which provides flexibility, but a clear mission and patience. All are needed more than ever to weather the significant transitions we now see in the profession and legal education toward a healthy, positive transformation.

We also miss members who are no longer with us. Marjorie Silver has dedicated her most recent book to Bruce Winick, expressing the shared sentiment that “his gentle wisdom and leadership was an inspiration to so many of us.” Aside from the pedagogical purpose of the Section as a creature of legal education, many members have appreciated its camaraderie. As Marjorie Silver has stated: “For many of us, we don’t have colleagues who share our commitment to humanizing the curriculum and attending to our students’ – and our own-- well-being.” This section creates that community which nurtures us and allows us to keep swimming against the current. Every Board call is like breathing in a supply of oxygen to sustain us when we return to thin air.”

What do we have going for us? The Section is particularly welcoming as it focuses on professional introspection so that generational differences, public/private institutional differences, and economic trends don’t seem to slow us down. We regularly engage in interdisciplinary collaboration among clinical, legal writing, and doctrinal faculty, as well as law school administrators. We also have many of the founding Section members still very much involved providing a wealth of perspective, along with many fresh new faces and ideas on the board and within the membership. The Section was also founded during the beginning of the Digital Age when it was easy to communicate, beginning with a listserv and developing into national programming and an online newsletter coordinating a diversity of voices across the nation. It is not a surprise that our Section remains consistently active and productive, because we have all the ingredients to make it so, thanks to the will and vision of its founding members.

## References

- Jerome Frank, The ‘Conceptual’ Nature of Psychological Explanations, in *Law and the Modern Mind* 356-61 (2d printing 1930)).
- Howard R. Sacks, Human Relations Training for Students and Lawyers, 11 *J. Legal Educ.* 316 (1959)
- James A. Elkins, A Humanistic Perspective in Legal Education, 62 *Neb. L. Rev.* 494 (1983).
- DC Bar, Lawyer Assistance Program: History and Mission, <https://www.dcbar.org/bar-resources/lawyer-assistance-program/history.cfm>
- Berthold P. R. Gersons, Patterns of PTSD among police officers following shooting incidents: A two-dimensional model and treatment implications, 2 *J. Traumatic Stress* 247 (1989).
- Joan S. Meier, Notes from the Underground: Integrating Psychological and Legal Perspectives on Domestic Violence in Theory and Practice, 21 *Hofstra L. Rev.* 1295 (1993).
- Marjorie A. Silver, Love, Hate and Other Emotional Interference in the Lawyer/Client Relationship, 6 *Clinical L. Rev.* 259, 283 (1999).
- Robert P. Schuwerk, The Law Professor as Fiduciary: What Duties Do We Owe to our Students, 45 *S. Tex. L. Rev.* 753, 756 (2004).
- Suzanne C. Segerstrom & Gregory E. Miller, Psychological Stress and the Human Immune System: A Meta-Analytic Study of 30 Years of Inquiry, 130 *Psychol. Bull.* 601 (2004) (detailing the negative effects of chronic stress on the immune system), <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1361287/pdf/nihms4008.pdf>
- Bruce J. Winick, Forward: What Does Balance in Legal Education Mean?, 60 *J. Legal Educ.* 107 (2010)
- Marjorie A. Silver, Symposium Introduction: Humanism Goes to Law School, 28 *Touro L. Rev.* 1141 (2012).

## Section on Balance in Legal Education: Our Purpose

**The Section on Balance in Legal Education** seeks to investigate, discover, and inspire those practices that support the well-being of law students, lawyers, and judges. The Section encourages research into the conditions that allow students and practitioners to thrive, both personally and professionally, and informs the membership of the Association of American Law Schools about the results of that research. Among other things, Section activities explore the importance of health, compassion, integrity, and ethics to the effective study and practice of law. The Section promotes continual re-examination of pedagogical practices, program content, and institutional priorities to promote the long-term best interests of law students and the constituencies they will serve.

The Balance in Legal Education Section provides interesting, up to date presentations by guest experts on a range of topics throughout the year via mini telephonic workshops called “Topic Calls”. They are free and allow for our many members across the nation to listen and discuss thought-provoking issues in the comfort of their own offices and homes. We invite participation from our AALS sister sections and other professional colleagues as well, creating an excellent opportunity for interdisciplinary collaboration.

This year we hosted a Topic Call in the Spring of 2016 with a presentation by Professor Paula Manning of Western State College of Law on how we can improve students’ mindset and motivation through our feedback and assessment. See Paula J. Manning, *Understanding the Impact of Inadequate Feedback: A Means to Reduce Law Student Psychological Distress, Increase Motivation, and Improve Learning Outcomes*, 43 *Cumberland L. Rev.* 225 (2012-2013).

In the Fall of 2016, Alli Gerkman, Director of *Educating Tomorrow’s Lawyers*, gave a Topic Call presentation to share the findings of the first-of-its-kind national survey on the foundations that new attorneys need to practice law in today’s changing legal landscape. *Educating Tomorrow’s Lawyers* is an initiative of the Institute for the Advancement of the American Legal System at University of Denver, and the report entitled “The Whole Lawyer and the Character Quotient” is a component of ETL’s Foundations for Practice project.

In 2017, the Mindfulness Affinity Group of the Balance in Legal Education Section plans a series of informative topic calls.

The discussions consist of hour-long conference calls. Please watch your email for Balance Section listserv announcements of upcoming Topic Calls. If you have not yet had a chance to participate, please consider doing so, as a participant or presenter.

Please send your Topic Call subject ideas and speaker referrals to Anahid Gharakhanian at [agharakhanian@swlaw.edu](mailto:agharakhanian@swlaw.edu).

## Topic Calls: A Timeline

### FALL 2016

Alli Gerkman – *Educating Tomorrow’s Lawyers: Foundations for Practice*

### SPRING 2016

Paula Manning – *Effective Feedback*

### SPRING 2014

Bill Blatt - *Emotional Intelligence*

Jennifer Gerarda Brown - *Student Retreats and Guided Journals*

### FALL 2013

Dr. Catherine Fuchs (Counseling Center Director, Vanderbilt University) - *Student Suicide*

Nancy Levit - *Integrating Balance into the Curriculum*

### SPRING 2013

Joshua Rosenberg and Leslie Chin - *Helping Law Students Develop Emotional Intelligence*

### FALL 2012

Roger Manus - *Using the Novice Game to Address the Culture of Fear in Law School*

### FALL 2011

Susan Daicoff - *The Soft Skills of Lawyering*

Marjorie Silver - *How to “Count” Professionalism in Large, Required Courses, Effectively and Without Going Nuts: More Questions than Answers*

### SPRING 2011

Paula Lustbader - *The Challenges of Achieving Balance in Our Own Lives While Preaching it to Others*

Victor Goode - *The Role of Contemplative Practices in Legal Education*

# Coming Soon

**Marjorie Silver, *Transforming Justice, Lawyers and the Practice of Law* (forthcoming Carolina Academic Press January 2017, ISBN 978-1-61163-598-0)**

*Transforming Justice, Lawyers and the Practice of Law* is a forthcoming anthology compiled by Marjorie Silver, the editor of *The Affective Assistance of Counsel: Practicing Law as a Healing Profession* (Carolina Academic Press 2007). This timely new work is a collection of writings by numerous authors, including participants in the Project for Integrating Spirituality, Law and Politics (PISLAP). All are dedicated to transforming law, legal education and social justice into something that is collaborative rather than adversarial, that seeks to heal brokenness rather than merely resolve disputes, and that moves us toward The Beloved Community envisioned by the Reverend Martin Luther King, Jr. more than fifty years ago. The book will showcase the abundant ways in which lawyers, judges, law professors and others are employing more communitarian, peaceful and healing ways to resolve conflicts and achieve justice.

## Welcome to the Board: Carrie Sperling

As the Associate Dean for Experiential Learning and Education Innovation, Carrie Sperling oversees the University of Wisconsin Law School's highly acclaimed and extensive experiential learning offerings. She also serves as the Co-Director of the Wisconsin Innocence Project where she guides students in post-conviction litigation on behalf of wrongly-convicted clients. Dean Sperling's research interests include understanding how students learn, and she has written and spoken about how to deliver effective feedback, encourage growth mindsets, and avoid cognitive overload.

## 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. As ever, we are grateful for the spirit, energy and insights each one of you has brought to the Section and we are particularly thankful for the strong efforts and leadership of our eminent and always positive Executive Board Chair, Susan Brooks.

## Are you interested in a more active role in the Section?

Our section has a substantial Executive Board, including four one-year positions (immediate past chair, chair, chair elect, and secretary), fifteen three-year positions, and seven ex officio past president positions. We also have several committees, including our Outreach, Nominations, Program, and Scholarship Committees, which do not necessarily require Executive Board membership. We invite the input and participation of all of our members in the section and always welcome new members and new nominations to committee and board position openings.

## Please 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](mailto: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.