

CONTEMPLATIVE LAWYERING
(2006 AALS Annual Meeting)

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I teach a course on Contemplative Lawyering. In this course, I use a variety of meditation methods to teach students to focus without distraction, listen, develop genuine empathy and respect for others, accurately define the issues and needs of others, engage in self-critique, and deal with emotional conflict.

Some of what I am doing in this course has been discussed and taught in various forms at other Law Schools. Some of what I am doing with these students is unique. I spend the first 5 weeks of the semester on mindfulness or calm abiding meditation practices designed to help students focus without distraction whether they are reading, interviewing and counseling clients or making arguments in court. I meet with the students every morning from 8:00 a.m. to 9:00 a.m. for meditation and teaching sessions. In addition, I assign weekly exercises to assist them in taking what they have learned in class and applying it to their study and practice of law throughout the day. To ensure that they have regular feedback on their progress, I require them to submit bi-weekly journals for comment. Using meditation to enhance legal skills has been discussed before.¹ Also, as has been previously noted, these practices also contribute to relieving stress.

What I have offered in my course, however, goes beyond what has been previously discussed. During the sixth week, I introduce a practice designed to assist students in working with strong emotions, including anger, arrogance, jealousy, and desire. During the next four weeks, I teach the students a variety of meditation practices designed to generate genuine empathy and respect for others, including their clients, colleagues, opponents, judges and other individuals they will need to work with in their legal career. Finally, during the final four weeks of the course, I teach additional meditation practices to help students work with strong emotions and with conflict. Throughout the course, I continue to provide students with weekly exercises to help them bring what they are learning in class into their life at the law school and beyond. The bi-weekly journal and comment process continues throughout the semester as well.

A final component of this course is visits from and talks by attorneys from local law firms and government agencies who are long-time meditators. These attorneys help the students understand how what they are learning can be made to enhance the effectiveness of their legal practice while at the same time making it more meaningful and fulfilling and less stressful.

This course, which I taught last spring to 26 students, was received enthusiastically by the students. I am offering the course again this spring (2006). Twenty-five students have pre-registered.

I am writing articles and a book about this approach to teaching lawyering skills. I am willing to share my syllabus and methods with any professor who has substantial meditation experience. I have also developed a version of this course that can be offered in a series of weekend workshops. The following pages present one student's final journal and a reading list.

[The student who wrote this Journal entry gave me permission to share it with others. I have

¹ See e.g. Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness*, 7 Harv. Negot. L. Rev. 1 (Spring, 2002); Steven Keeva, *Transforming Practices* (Contemporary Books, 1999)

removed his name.]

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FINAL JOURNAL

The things that I have learned throughout this past term have been amazing, and I know that they will serve me well throughout the rest of my life. Before this course, stress literally ran my life. I always knew that I was smart, and I never questioned whether or not I wanted to be a lawyer. Unfortunately, though, I used to find myself wishing for an easy 9-5 job just so that I could get away from the stress. This problem has only grown more acute as I have grown older and seen friends of mine go on to have 9-5 jobs, get married, buy houses, and seem rather care free. They did all of this while I was living hand to mouth in a studio apartment with windows that look out at the back of a gas station in downtown Hartford. I got very little sleep, and my weekends were not a time for fun. Instead, they were a time to buckle down and GET IT DONE. This course helped me to look at my life in a different way. I am not being put upon. I chose this because I like to think and go through critical analyses with meticulous attention to the logic of every proposition. Now, I can understand this as well as take a simple pleasure in the tasks of life.

I have all but finished my course work, this journal being the last outstanding bit of it. I spent the day cleaning and scrubbing my apartment. I cleaned the car yesterday. I have spent a lot of time carefully going through all of the paperwork that one accumulates in one's life. I am finally arriving at a point where I have the time to take the time to just reset all of the dials and renew commitments to myself and to everyone with whom I am a friend, family member, or colleague. I am savoring every moment of it.

For the past two years I have been on the go all the time. I would go straight from classes to my summer internships back to classes and I would work over winter break. So, now is a time for me to really think back and to think forward about how I want to run my life and live my life.

Mindfulness is truly an amazing thing. This last term I was more overburdened than I had ever been, and it was utterly exhausting. The way that I made it through was by taking time to read even just a few pages of Thich Nhat Hanh. It is so clear that he sees the world as a friendly and unique place. Also, I would just take a breath in my desk chair and look at the stress and the fear. Even just by realizing that I can only do one thing at a time and that I will perform the task at hand much better if I perform it without stress. I realized on the first day of class that this course would be excellent when you said that people are not multi-taskers and that we can only do one thing at a time. That alone, helped me reduce stress. Mindfulness practice helps me realize that there is a larger existence and being. It allows me to see the whole forest and, in a way, there is a sense of faith in the calm and diligent optimistic approach to life, including all of its good and bad things.

As far as controlling my anger and being compassionate towards other people is

concerned, the most profound and life altering realization is also the simplest: everyone wants to be happy, and everyone is just trying to be happy. It is so obvious that I can't believe I did not know this for my whole life. It is unbelievable. These simple observations about life are universally applicable. No one is immune from the simple fact that his or her efforts are directed towards attaining happiness. The international businessman, the CIA operative, the heroin shooting prostitute, and the rambunctious child all want to be happy.

As I move forward and life moves on I will continue to work on all of the skills that we began to cultivate throughout the term. I feel as though I have seen a glimpse of a larger reality, and it offers simplicity and appreciation for the important things in life. One skill that I have most definitely harvested is to think before I act. Children are told to do this all of the time. When I do it now, I am basically asking myself how to interpret what has happened. Why is my blood up? Do I need to do anything to maintain my dignity and protect myself from injury? What result should I be trying to achieve in this situation? These questions allow me to deal with this reality in a more methodical and proactive way. I cannot help but think there really is a larger reality that many many people don't see. I am not professing to be a master of this larger reality, but I am aware that it is there. I think that I am gaining an ability to really see myself.

The course was fantastic. I will benefit greatly from it for a very long time to come. Meditation and reading about mindfulness are definitely a part of my future.

READING LIST

The materials marked with an asterisk were used in the University of Connecticut *Contemplative Lawyering* course (Spring, 2005). The remaining materials provide additional teachings on meditation practice. This list was provided to interested students at the end of the course. Most of the books listed here are available at many bookstores and/or at Amazon.com. Another excellent source for these and other books on meditation practice is www.Namsebangdzo.com.

Meditation Practice

- Thrangü Rinpoche, *THE PRACTICE OF TRANQUILITY AND INSIGHT*, (Snow Lion, 1993)
Thrangü Rinpoche, *THE MIDDLE-WAY MEDITATION INSTRUCTIONS OF MIPHAM RINPOCHE* (Namo Buddha Seminar, 2001)
The Dzogchen Ponlop Rinpoche, *WILD AWAKENING* (Shambhala, 2003)
*Thich Nhat Hanh, *THE MIRACLE OF MINDFULNESS* (Beacon Press, 1976)
Thich Nhat Hanh, *PEACE IS EVERY STEP* (Bantam, 1992)
**THE MIND OF MEDITATION* (BODHI MAGAZINE, Vol. 7, No. 1 & 2) (available at <http://www.bodhionline.org>)

Post-Meditation and Compassion Practices

- *Thich Nhat Hanh, *ANGER* (Riverhead Books, 2001)
*Sogyal Rinpoche, *TIBETAN BOOK OF LIVING AND DYING*, pp. 200-208 (Harper)
Pema Chodron, *THE WISDOM OF NO ESCAPE, THE PATH OF LOVING-KINDNESS*, (Shambhala, 1991)
Pema Chodron, *START WHERE YOU ARE, A GUIDE TO COMPASSIONATE LIVING*, (Shambhala, 1994)
Dilgo Kyentse Rinpoche, *ENLIGHTENED COURAGE*, (Snow Lion, 1993)
Sharon Salzberg, *LOVING-KINDNESS: THE REVOLUTIONARY ART OF HAPPINESS*, (Shambhala)
Jamgön Kongtrül Lodrö Thaye, *THE GREAT PATH OF AWAKENING* (Shambhala, 1987)

Meditation and Compassion in Law Practice

- *Leonard L. Riskin, *THE CONTEMPLATIVE LAWYER*, 7 Harv. Negot. L. Rev. 1 (2002)
*Steven Keava, *TRANSFORMING PRACTICES* (ABA Journal 1999)
*Robert A. Baruch Bush & Joseph P. Folger, *THE PROMISE OF MEDIATION* (Jossey-Bass, 1994)
*Jonathan R. Cohen, *APOLOGY AND ORGANIZATIONS*, 27 Fordham Urb. L.J. (2000)

WEB-SITES

- www.shenpen-osel.org (Shenpen Osel Magazine with teachings by Tibetan lineage masters)
www.namsebangdzo.com (Buddhist books, tapes, etc.)
www.vajraechoes.com (Audio and Video recordings of teachings)