

The Case for Mindful Lawyering*

Over the last decade, mindfulness meditation has been gaining acceptance in the law world as a way of developing concentration, improving emotional resilience, and mitigating the stress of law work—all capacities that increase the effectiveness of law professionals. Law students, law professors, practicing attorneys and judges have found that incorporating mindfulness into their life and law work leads to a greater sense of well-being and equanimity as well as increased job satisfaction and performance. With the pressures and demands of legal practice as great as ever, the wider introduction of mindfulness training has the potential to effect a positive transformation on the profession.

What exactly is mindfulness, one of the most prominent forms of “contemplative practice”? Jon Kabat-Zinn, one of the pioneers of mindfulness in the U.S., describes it as, “being aware, moment to moment, without judgment, of one’s bodily sensations, thoughts, emotions, and consciousness.” Mindfulness is cultivated mainly through the practice of quiet sitting, of focusing on one’s breathing and allowing thoughts and emotions to come and go freely within one’s field of awareness, rather than shaping thinking according to need or desired result, as we usually do. Once such a practice is established, it can be counted upon in a variety of circumstances. Its essence is simply: being fully present with what happens in each moment of the day. It is a method to create and, when lost, to regain a grounded and centered state of being amidst the often contentious and stressful nature of the legal profession. With practice over time, mindfulness meditation fosters a more profound relationship with our thoughts, emotions, and, ultimately, ourselves. Meditation practitioners gain more choice and flexibility in thinking and feeling, as well as an increased capacity to embrace paradox and opposing viewpoints.

The radical change mindfulness meditation can foster is difficult to describe and inseparable from the practice itself; we call it “the mindful perspective.” It is an outlook that gradually develops through meditation practice in our daily lives. The mindful perspective connects the focused inner sensitivity that meditation practice brings with our activity in work and relationships. It brings us an enhanced appreciation and understanding of the impact of our actions in the world.

Such focused awareness can generate many benefits. For law professionals, the following beneficial values, states of being and skills can evolve with the mindful perspective:

- **Focus and Stability.** With mindfulness comes an enhanced moment-to-moment focus on every situation, whether it be delivering a complex oral argument, reviewing a trial motion, or engaging in a contentious settlement conference. Such clear and focused presence enhances the lawyer’s effectiveness, and it promotes stability and calm amidst challenging emotions. It is an excellent antidote to stress and promotes empathic and accurate listening with colleagues, clients, opposing counsel, and judges.

* This document grows out of the experiences and discussions of the Bay Area Working Group on Law and Meditation, a group of practicing lawyers, judges, professors, and mediators, which has met monthly for about a decade with meditation teacher Norman Fischer to explore the ways that our meditation practice has impacted our lives in law. It has also been the basis for discussions in the annual meditation retreats for lawyers co-sponsored by the Spirit Rock Meditation Center and the Center for Contemplative Mind in Society, and planned by the Working Group.

- **Patience and Sustainability.** Mindfulness allows us to view problems in a constructive light—as challenges to be solved, rather than unwanted burdens to discharge. This can transform a sense of drudgery into a feeling of vigorous engagement. It helps us to approach difficult situations with curiosity and an open mind.
- **Wisdom and Creativity.** The mindful perspective helps us to see things as they are, not as we wish or fear them to be. Consequently, our decisions and judgments come from a more nuanced and expansive place of understanding. By promoting flexibility of mind and the ability to gain insight into and perhaps even let go of habitual patterns when appropriate and needed, the mindful perspective allows us to open to new approaches and strategies, helping us to solve problems and accomplish objectives more effectively.
- **A Sensitive and Realistic Sense of Ethics.** Through mindfulness practice we become more aware of the discomfort that comes with deviating from our values and considering unethical conduct, strengthening our resolution not to allow this to occur. Confidence and clarity in our commitment to an ethical path brings courage and strength in the midst of complex situations. It makes denial, distraction, and the demonization of others choices we make less often.
- **Compassion and Empathy.** The mindful perspective helps us appreciate on a visceral level the interconnected nature of our world. It promotes empathy toward colleagues, clients, and opponents. It heightens sensitivity to suffering and opens the heart, allowing us to better apprehend difficult situations and handle them with a greater sense of ease. Thus, it promotes a whole life, providing greater insight into our own condition and that of others, our own needs and motivations and the needs and motivations of others, as well as the total situation in which we find ourselves.

These are some of the ways the mindful perspective can be a significant, transformative factor in the working lives of lawyers. They do not come automatically with meditation practice, nor can the mindful perspective be adopted simply by intellectual recognition, will, or intention. However, the motivation to change one’s way of working, combined with meditation practice and an active exploration of one’s daily life creates a strong potential for powerful, beneficial changes. An ongoing meditation-based discussion group of like-minded people, in person or online, is a key tool for the cultivation, strengthening, and practical application of the mindful perspective. Our long-range hope is that the mindful perspective can be a basis for a renaissance in the law.