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USING MINDFULNESS PRACTICE TO WORK WITH EMOTIONS

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Leonard Riskin's article skillfully alerts us to the reality that strong emotions frequently prevent lawyers and their clients from resolving disputes in ways that bring the most beneficial result, from both the perspective of material gain and the perspective of preserving positive relationships and mending broken relationships. I experienced the problem Riskin's article addresses and the solution offered by contemplative practice firsthand while supervising the mediation of a discrimination dispute. In this case, a middle-aged, gay male filed a discrimination complaint alleging that he was insulted and threatened by the manager of a restaurant. The plaintiff and the owners of the restaurant agreed to participate in a voluntary mediation process made available by the University of Connecticut School of Law Mediation Clinic.

At the first meeting, the complainant, Jack,¹ came alone. He was calm, but visibly shaken and fearful. The young restaurant owner was represented by a lawyer. This dispute was all about emotions.

Jack reported that while he and his friends were eating at the owner's restaurant, they were disturbed by the conduct of a patron at a nearby table. Visibly drunk and boisterous, the patron ultimately created a mess by spilling wine on the floor and neighboring diners, including Jack. The drunken patron further disturbed other restaurant customers by getting into a loud argument.

Frustrated by the situation, Jack approached the restaurant manager to complain about the disturbance and the spilled wine, which had damaged his clothing. The manager, already distressed by the offending patron, shouted angrily at Jack, threatening him and using anti-gay epithets. Jack reacted with strong language of his own. Ultimately, the manager ejected Jack and his friends from the restaurant. Even so, the shouting match continued on the sidewalk outside.

At the mediation, the restaurant owner immediately expressed his deep regret for the incident; however, the owner was not the manager who offended Jack. That manager was not present at the mediation. As a result, Jack was unmoved, and the owner's apology and offer to financially compensate him failed to address his concerns.

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¹ For privacy, this Article does not use the parties' real names.

Instead, he wanted to confront the manager who had shouted at him. As a small, sickly man, Jack reported that the manager's verbal onslaught and threats had deeply frightened him. He wanted to face the abusive manager. He wanted to face his fear.

In contrast, the restaurant owner and his lawyer were afraid to bring the offending manager to the mediation. They were afraid that Jack would use the mediation context as an opportunity to renew the confrontation. They knew that the manager, a volatile individual, would respond unskillfully, and they hoped that they could avoid a blow up by keeping him away from the mediation. In this mediation context it became clear to me that the most important skill I could offer was an ability to work with emotions, both my own and those of the conflicted parties.

Emotions explode into confrontation because people are blind to the pathways that lead to such strong emotions.² Triggers include hurt feelings, misperception, and fear. By working with our *own* emotions, we can learn to distance ourselves from our clients' emotional reactions. Seeing our *own* hidden pathways makes it possible to see what is happening when others react emotionally. We are able to point out what is going on, walk it back to the ignition point, and de-escalate the situation. This process promotes "recognition,"³ otherwise known as compassion.

The most important point to understand is that working with and understanding our own emotional reactions is an essential prerequisite to working skillfully with emotionally charged individuals in disputes. Training in "mediation techniques" designed to help us recognize and work with emotions in the mediation and negotiation context will not work unless we have practiced working with our own emotions consistently in our ordinary lives. Otherwise, in the heat of the moment during a negotiation or mediation, we are likely to forget every technique we have learned. Habitual patterns of behavior simply take hold.

In this Article, I seek to provide some mindfulness practices that readers can use to work with their own emotions in their ordinary lives. This is an essential prerequisite to working with others' emotions in the context of dispute resolution.

I. SLOW REVERSAL

Although grounded in formal mindfulness meditation, the first practice, Slow Reversal,⁴ can be practiced throughout the day with great benefit. By looking at our own experience, we can see that anger, jealousy, pride, and obsessive desire are emotions that cause distress and lead us to engage in

² See DOUGLAS N. FRENKEL & JAMES H. STARK, *THE PRACTICE OF MEDIATION: A VIDEO-INTEGRATED TEXT* 42-44 (2008); THICH NHAT HANH, *ANGER* 3, 161 (2001).

³ This term "recognition" is borrowed from the transformative mediation process introduced in ROBERT A. BARUCH BUSH & JOSEPH P. FOLGER, *THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT THROUGH EMPOWERMENT AND RECOGNITION* 12 (1994).

⁴ LAMA KATHY WESLEY, *Talk 1, on Transforming Mental Afflictions in the Three Yanas* (Vajra Echoes 2006). This recording is available in both DVD and CD format at <http://www.vajraechoes.com>.

unskillful speech and conduct that harms others. Although the Slow Reversal practice can work with any of these emotions, anger provides an excellent basis for working with this practice: it is the emotion most of us recognize and regret, both in our personal lives and in the disputes we, as lawyers, try to resolve.

In preparation for learning about the Slow Reversal practice, you may find it helpful to consider the following story:

Two young monks were walking together on a journey. The primitive road they were walking on came to a river that had no bridge. In order to continue on the road, it was necessary to wade into the river to cross to the other side. When the monks arrived at the river, they found a young woman sitting by the side of the road. She clearly had some infirmity that made her legs weak and prevented her from fording the river on her own.

When the young monks arrived, she begged them to carry her across the river. The first monk smiled, bowed to her, and continued walking. You should understand that one of the vows taken by monks is to avoid physical contact with women. When the second monk heard the woman's request, he stopped, picked her up, carried her across the river, and then set her down on the other side.

The two monks then continued on their journey. After they had walked for another thirty minutes, the first monk turned to the second monk and said, "How could you do that?" The second monk replied, "Do what?" The first monk went on, "How could you touch the woman? How could you carry the woman?" The first monk paused and then responded, "I am not carrying the woman. I left her by the riverside. It is *you* who is still carrying the woman."

This is what we do with our emotions all the time. This is why they bother us. We carry them with us. We run them around and around in our heads: "How could he do that?" "How could she say that?" "How could that happen?" "What happened was so unfair!" "It's not my fault." We are like the second monk—still carrying the woman long after leaving her by the river.⁵

A. *Slow Reversal Introduction*⁶

I initially learned the Slow Reversal practice when I attended *Transforming Mental Afflictions*, a weekend teaching presented by Lama Kathy Wesley⁷ in 2001. Based on that teaching, I incorporated this practice into my own life. The presentation in this Article is based on what I was taught, what I have experienced applying this practice to my own life, and what I have learned by teaching this practice to numerous law students at The University of Connecticut School of Law.

⁵ THE DZOGCHEN PONLOP RINPOCHE, *Talk 2, on COMPASSION WITHOUT LIMIT: THE COURAGEOUS HEART AND LOJON PRACTICE* (Vajra Echoes 2003). This recording is available in DVD and MP3CD format at <http://www.vajraechoes.com>.

⁶ The Slow Reversal practice presented here is based on the first talk of a teaching on *Transforming Mental Afflictions*, given by Lama Kathy Wesley at Hartford Karma Thegsum Choling. WESLEY, *supra* note 4.

⁷ Lama Kathy Wesley has been a student of Khenpo Karthar Rinpoche of Karma Triyana Monastery in Woodstock, New York, since 1997. She participated in a three-year retreat at Karne Ling Retreat Center, completing the retreat in 1996. She serves at the Columbus, Ohio, Karma Thegsum Choling as its resident teacher. *Lama Kathy Wesley Visits in July*, DHARMA NEWS (Karma Thegsum Choling, Dallas, Tex.), Summer 2005, at 4, available at <http://www.ktcDallas.org/news/pdfs/summer2005.pdf>.

B. Recognizing the Negative Attributes of Anger

The first step in Slow Reversal is to recognize the negative attributes of anger.⁸ We need to see clearly the kind of trouble that anger causes. The difficulty with anger is that we have strong habitual patterns of dealing with conflict.⁹ We believe we have no choice other than to prolong negative experiences.¹⁰ We believe it is necessary and important to clearly identify that we have been wronged.¹¹ Whenever things do not go well, we engage in mental elaborations, running the difficult scenario through our minds over and over again.¹² For example, suppose you represent a client who accuses you of overcharging for work you have performed. Assume that the work was complex, very high quality, and competitively priced. Assume as well that you worked many long hours for this client and have not charged for all of the hours you spent.

In a situation like this, you will likely feel insulted by your client's accusation. You may run the situation over and over in your head, justifying your position and generating anger at the client for not understanding and appreciating the quality of your services. This is how anger works.¹³ Elaboration is our problem.¹⁴ We think, "This awful thing happened to me." We tell ourselves about it over and over, running it around in our minds. Sometimes, we are so obsessed by the problem that we cannot sleep at night.¹⁵

In addition to creating such discomfort, anger often causes us to engage in unskillful speech and actions.¹⁶ We may yell at the client and insult him or her. Sometimes we become so angry that we throw and break things or actually threaten to hurt someone. In extreme cases, anger even results in one person hurting or killing another person.¹⁷

⁸ WESLEY, *supra* note 4.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ While numerous examples illustrating this point could be cited from news articles and other sources, if we think about it, all of us can remember times in our own lives when we have responded to another person in anger or maybe just annoyance. We can recall how our unkind words or sharp tone hurt someone or maybe even contributed to ending a relationship.

¹⁷ The local and national news is full of examples of individuals injuring others in anger. The recent incident in which singer Chris Brown savagely beat his girlfriend, Rihanna, allegedly because she confronted him with a text message from another woman, clearly shows the damage that an angry individual can cause. See State of California, County of Los Angeles, Search Warrant and Affidavit (filed Mar. 2, 2009), available at <http://i2.cdn.turner.com/cnn/2009/images/08/25/brown.warrant.pdf>. An online search with the search terms "angry killed family" yields multiple articles about angry individuals killing their families. See, e.g., Kim Janssen, *Cops: Woman Kills Man in Argument over Son*, CHI. BREAKING NEWS CTR., May 19, 2009, <http://www.chicagobreakingnews.com/2009/05/harvey-homicide-douglas-collins-shooting-domestic.html>; *Police: Man Killed 5 Kids when Wife Said She Was Leaving*, FOX NEWS, Apr. 6, 2009, <http://www.foxnews.com/story/0,2933,512581,00.html>. Criminal cases provide multiple examples of defendants who killed or assaulted others in anger. See, e.g., *State v. Guthrie*, 461 S.E.2d 163 (W. Va. 1995) (Guthrie stabbed a co-worker in the neck

Anger further interferes with our ability to see what is really going on. Fear and distress cause us to misperceive what is happening. Perhaps the client in the scenario mentioned above did not intend to insult you at all. Perhaps the client simply has run out of money and is embarrassed to admit that he cannot pay the bill. If you are angry, you probably will not realize that embarrassment, not offense, has motivated the client's accusations. You will be too busy demonizing the client and justifying your own conduct.

If you look at situations in which you have become angry, you will see that anger tends to include these three negative attributes. First, it is uncomfortable. Second, it causes us to speak and act unskillfully. Third, it interferes with our ability to see things clearly. This is just as true in our personal lives as it is in our dispute resolution work.

C. *Making a Conscious Choice to Transform Our Anger*

Once we recognize anger as a negative emotion, the next step in the Slow Reversal practice is to make a conscious choice to transform anger and distance ourselves from this emotion. How do we take conscious control and choose a constructive response over a habitual, destructive one? Mindfulness allows us to see emotions coming. We can see anger coming. We can see hurt rising in us. Because we can see these strong emotions coming, we can reject our destructive default reactions and choose a "different direction," a different response to deal with the distressing situation.¹⁸

I taught this practice to students in my Contemplative Lawyering Course at the University of Connecticut School of Law.¹⁹ Throughout the course, the students wrote about their experiences in weekly journals. One student wrote about the benefits of choosing a different direction. This journal entry clearly illustrates the Slow Reversal approach to working with emotions.

I helped a friend move to New York City from Darien, Connecticut all day on Saturday. We woke up incredibly early, packed up the truck, drove to NYC, unpacked and then drove back to Darien to drop off the truck. At this point it was nighttime and had been a very long day, yet we still had to drive back to NYC. Of course something had to happen to prevent this. As I backed out of the driveway, I drove over a large rock that scraped the bottom of my car and became stuck underneath, causing damage to my car. At first I lashed out at myself in frustration, was angry with my friend for no reason at all and almost lost it completely. However, just a few minutes into this escapade I became aware of the situation and stepped back from my emotional response as if I were watching it from afar.

This immediately helped change an extremely frustrating situation to an amusing event. We ended up having quite an adventure digging a big hole, trying to use a jack (which we quickly learned we had no clue how to use), rocking the car to the side and pulling a gigantic rock out from under the car. All this happened with laughter. It was amazing. Honestly, at this point in the day most people would have

after becoming enraged by his persistent taunting); *Keeler v. Superior Court*, 470 P.2d 617 (Cal. 1970) (Keeler assaulted his ex-wife enraged by her relationship with another man; the assault caused the death of her unborn fetus).

¹⁸ WESLEY, *supra* note 4.

¹⁹ In this three-credit course, I meet with students every morning. We meditate together and I teach them practices they can use throughout the day to focus on their work, listen deeply, and work with emotions.

had a serious breakdown, but I was somehow able to laugh it off. And my attitude made her attitude much better as well. It was a nice way to experience something so annoying.²⁰

The Slow Reversal practice begins with an aspiration. Start by promising yourself that you are going to try to tame this particular mindset. This is not about repressing or eliminating anger. Rather, it is about slowing the emotional process and walking it back to the point of ignition. Anger, like all emotion, starts with a thought. That thought leads to another thought, and another, and gradually anger flares. With this practice, we walk the anger back to the point of ignition and insert an aspiration to tame this emotion once it arises.²¹

D. *Slow Reversal Practice Instruction*

When you wake up in the morning, generate an aspiration for the day: "Today I will tame my anger." You will find it easy to generate this aspiration if you have looked at your experience and, on that basis, recognized that anger is a destructive force in your life.²² Maintain your aspiration throughout the day. Use this aspiration to maintain a sense of watchfulness.

If you can maintain a daily formal practice of mindfulness meditation, you will develop your mindfulness skills so that during the day you can see your anger or other emotion coming up. However, *even without* formal practice, you can maintain mindfulness throughout the day and use that mindfulness to work with anger if you recognize the negative attributes of anger and generate an aspiration to notice when anger arises.

When the anger comes up, use that anger as a mindfulness reminder. Slow the process down with mindfulness. To do this, become aware of your breath. Rest your mind on your breathing rather than on the object of your anger. Counting your breath is a good way to slow things down. Hold back from responding with negativity. Do not engage or act on the anger. Instead, in the space created by turning your attention to your breath, use an antidote to work with the situation. There are many antidotes that you can use.

FIRST, ask yourself, "How important is this really? Is this the end of the world as we know it?" We tend to exaggerate the importance of things all the time.²³ For example, following sports teams involves manufactured intense feelings. How important is it really? Getting stuck in a traffic jam on a highway is a situation that often causes extreme rage, but it really is not all that important. How important is it that we get to our destination so quickly? We can use the space created by slowing down our reaction to consider whether this issue is really worth a strong emotional reaction.

SECOND, if you are angry because you have been criticized, think about what has happened. Is the criticism correct? If so, there is nothing to be angry about. We can be grateful when someone lets us know that we are doing some-

²⁰ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

²¹ WESLEY, *supra* note 4.

²² For me, profound insight into the destructive nature of anger came after the death of my first husband in a motorcycle accident. Contemplating my grief and my loss, I realized that I had lost the wonderful relationship I had with my husband long before he died. Our relationship was gradually destroyed by hurtful and angry interchanges.

²³ WESLEY, *supra* note 4.

thing incorrectly. In response, you can simply try to do better next time. If you think about the criticism and determine that it is incorrect, consider why it bothers you. The person who spoke was mistaken. When this happens, you can calmly correct the misimpression or let it go. We can use the space created by slowing down our reaction to consider whether the criticism we have received is justified. Alternatively, you may realize that the person is actually unhappy about something completely unrelated to the criticism. When this happens, we can use the space created to address the actual issue rather than get angry about an unintended insult.

THIRD, compassion is a powerful antidote for anger.²⁴ Think back to our hypothetical lawyer whose client accused him of overcharging.²⁵ If the lawyer realizes that the real problem is the client's inability to pay, the lawyer can generate compassion for the client's difficult situation rather than express anger at the perceived insult. Similarly, when you are stuck in a traffic jam on the highway, one way to diffuse anger is to generate compassion for the other individuals who also are stuck in the traffic jam or for the individuals involved in the accident that may have caused the traffic jam. Because it is impossible to be angry and compassionate at the same time, compassion is a powerful antidote for anger.²⁶ We can generate compassion in the space created by slowing down our reaction.

FOURTH, look to see if your anger is based on a misperception. For example, our hypothetical lawyer perceives an insult when in fact something different is happening—the client simply cannot pay and is embarrassed to admit that inability. We often read insult into someone else's speech and conduct when in fact no insult is intended. For example, a clerk at a retail establishment may be curt, not because she is angry, but rather because she is tired or hurt by her dealings with a previous customer. If we take the clerk's bad mood personally, failing to recognize that it is not aimed at us, we may get angry or feel hurt.²⁷ We can use the space created by slowing down our reaction time to identify misperceptions that may cause us to be angry and thereby recognize that the anger is unnecessary.

²⁴ Many sources talk about the power of compassion as an antidote for anger and teach contemplative practices that can awaken that power. See, e.g., NHAT HANH, *supra* note 2; THICH NHAT HANH, *THE MIRACLE OF MINDFULNESS: AN INTRODUCTION TO THE PRACTICE OF MEDITATION* 93-96 (Mobi Ho trans., 1987) [hereinafter NHAT HANH, *THE MIRACLE OF MINDFULNESS*]; SHARON SALZBERG, *LOVING-KINDNESS: THE REVOLUTIONARY ART OF HAPPINESS* (2002); THE DZOGCHEN PONLOP RINPOCHE, *supra* note 5; LAMA KATHY WESLEY, *Talk 2, on TRANSFORMING MENTAL AFFLICTIONS IN THE THREE YANAS*, *supra* note 4.

²⁵ See *supra* Part I.b.

²⁶ See *supra* note 24 and accompanying text. I have personally experienced this reality on countless occasions. I have watched my heart soften and open when compassion arises towards a source of annoyance and anger. Annoyance at the shrieking baby on the airplane transforms into a loving desire to relieve the child's suffering. A spark of anger at a phone call interrupting my work transforms into a heartfelt desire to relieve the tears, suffering, or anger of the person I encounter when I pick up the phone. Annoyance at a spouse whose work schedule is interfering with vacation plans transforms into understanding that the spouse is suffering and an aspiration to help in any way I can.

²⁷ See generally ELAINE HATFIELD, JOHN T. CACIOPPO & RICHARD L. RAPSON, *EMOTIONAL CONTAGION* (1994) (offering evidence of emotional contagion, a phenomenon in which people communicate their mood to others).

At the end of the day, consider how the day went. When it goes well, rejoice and renew your aspiration for the following day. When it does not go well, recognize that it did not go well, regret that it did not go well, and develop an aspiration to do better tomorrow. Rejoicing strengthens your practice,²⁸ and regret weakens your habitual patterns.²⁹ This is called Slow Reversal because every time we choose the skillful approach we gradually strengthen our ability to tame the negative emotion.³⁰

Students in my Contemplative Lawyering course have found Slow Reversal helpful, but at the same time, they often recognize that there is no “quick fix” to transform strong emotions instantly. It takes time.

I was so blown away by a hate-filled verbal insult I heard that I actually closed my eyes and started to focus on my breath and it did calm me down. But whenever I stopped following my breath, I'd start to get worked up again. I also tried to remember that remarks like these come from a place of confusion and that the hate communicated through them is predicated on this confusion.³¹

²⁸ A traditional Buddhist practice involves reviewing thoughts or actions at the end of each day. The initial foundation for this practice is to recognize both the benefits of positive thoughts, motivations, and conduct and the difficulties and suffering that arise from negative thoughts, motivations, and conduct. For every positive thought, motivation, or conduct, one puts a white stone in a pile. For every negative thought, motivation, or conduct, one puts a black stone in a different pile. Many people have engaged in this practice and found that over time simply doing this practice with an aspiration to let go of negative thoughts and adopt positive thoughts gradually results in a smaller pile of black stones and a larger pile of white stones. See 1 KHENPO KARTHAR RINPOCHE, KARMA CHAKME'S MOUNTAIN DHARMA 69-70 (2004).

²⁹ Regret is not the same as guilt. Guilt is a process of self-recrimination that is grounded in blame without room for transformation. Regret, or remorse, “is a state of recognition. We realize that we have at some point done something or said something unskillful that caused pain, and we feel the pain of that recognition. But, crucially, remorse frees us to let go of the past. It leaves us with some energy to move on, resolved not to repeat our mistakes.” SALZBERG, *supra* note 24, at 81. It is this aspiration not to repeat negative actions that weakens our habitual patterns. Like regret or remorse, inherent in “rejoicing” over successes is an aspiration or promise to repeat positive behavior. It is this aspiration that gradually moves us in the direction of responding to difficult situations with equanimity, patience, skill, and compassion rather than with annoyance, anger, and hostile actions.

³⁰ Having engaged in variations on this practice for eight years, I am able to look back and see that situations in the past that caused me great annoyance and anger no longer generate that reaction. This has been a gradual experience of dealing first with small annoyances and gradually finding the ability to remain calm and compassionate even in the face of very difficult circumstances. For example, people talk about “road rage.” For me, it was “computer rage.” When another person did something to annoy me, I was able to generate compassion for their situation. However, when the difficult situation involved a computer or other machine malfunctioning (always just when I needed it to work perfectly to meet some deadline), I would feel a rush of overwhelming frustration and rage. Visions of throwing something through the screen would actually rise up in my mind. By using Slow Reversal and other techniques designed to help me look at what was fueling my anger, I gradually recognized that I was operating with an unrealistic expectation that things would work correctly and leaving an insufficient amount of time to deal with the reality that things do not always work properly. The fault lay not with the computer but with my own unreasonable expectations about the computer. I ultimately learned to generate patience for my own shortcomings and to maintain some equanimity, even when nothing seemed to be working properly.

³¹ Student Journal, Contemplative Lawyering Course (2005) (on file with author).

I am having difficulty with the slow reversal practice. This past week I found myself in a few situations where I was angry or annoyed. Each time, however, I did not think about slow reversal immediately. Instead, I reacted in an emotional way. Only after a sufficient amount of time, up to an hour afterwards, did I think of the slow reversal process. I think it will take some time to change ingrained patterns and ways of reacting. I expect that I will continue to improve in my reactions as I continue to focus on the slow reversal process.³²

Working with internal conflict is one of my biggest challenges. Anger in particular, is a common emotion for me. It erupts very quickly and causes me to react very, very unskillfully. As a result it creates negative outcomes that leave me with intense feelings of guilt and negative emotions. I carry these with me for an extended period of time—like a long slow burn, or like a weight of sadness or discontent. The story of the two Zen monks in Rinpoche's talk provided insight into this tendency of mind. I spend too much time acting as the first monk did and then allowing unskillful actions to burden my mind for hours, weeks and sometimes MONTHS.

This week, I have tried to use the Slow Reversal practice we learned about in class. I am trying to get myself to take a (figurative) step back when my anger arises and *watch* it unfold, trying to unravel the feelings caught up inside of it. . . . To describe what I *see*—it is like a flash of red. This red ball of energy is a response to something, usually someone else's conduct or words or simply their presence. Wrapped up in the flash is the assumption (misperception!) that this other person, who is the source of my anger, is aware that he or she has caused my anger and knows exactly why I am upset. This is what causes me to lash out or react unskillfully. With slow reversal this week, I have thankfully been able to give some of that anger some *space* as you described it in class and not react immediately.

However, I am not able to catch myself in time in all situations. It seems to depend on the severity of the conflict and the history behind the feeling of anger. The deeper or more severe it is, the more difficult it is to slow my anger down when it arises.³³

E. Anger That Is Directed Inward

Working with anger that is directed inward relies on the same practices that we have learned to use when we encounter anger that is directed outward. You can use Slow Reversal and all of the antidotes for anger listed in the Slow Reversal instructions.³⁴

Since my last journal entry, I have attempted to work with the emotion of anger. I normally have a friendly and amicable disposition. When I do become angry, my emotion is directed inwardly. By far, the most recurring instance that causes me to become angry is my performance on exams or other law school related assignments. . . .

Graduating first in my class in college is one of the proudest moments in my life. It was the culmination of four years of blood, sweat and tears as well as many sacrificed nights with my friends for the purpose of studying. At the same time, graduating from college in this manner has become burdensome for me and a source of anger. This is due to the fact that I now expect to be the best in all things academic. On numerous occasions in law school, I have become upset because I did not get one of the five A grades given by the professor. Rather than being content with

³² Student Journal, Contemplative Lawyering Course (2006) (on file with author).

³³ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

³⁴ See *supra* Part I.d.

how I performed, I became angry at how I did not perform. I set expectations so high as a result of my performance in college.

In addition to my anger with myself, my obsession with grades has caused me to start projecting my anger onto external sources, in particular the professors of those classes in which I did not get a grade I was accustomed to. I would internally say things such as, "The exam was unfair." Or "The professor doesn't know how to teach." I would have these reactions without even considering what I may have done or not done on an exam or in preparation for an exam to warrant the grade I received. Finally, I often became angry at and jealous of my peers.

Using the post meditation exercise, I attempted to make grades a small matter. I did this by putting law school grades in their proper context. I did this by contemplating how important grades are in the grand scheme of life. As a result, I realized and accepted the fact that grades do not make one a better person. Grades cannot and should not define who I am as an individual. I became better able to accept my performance in law school because I realized that I have done everything in my power to prepare for examinations. In turn, this caused me to realize that it is absolutely impossible to be the best at everything in life. Trying to be perfect will only lead to further anger and alienation.

The most dramatic effect the post meditation exercise had on me was the sense of accomplishment it instilled within me. The exercise caused me to reflect upon how I have actually done thus far in law school. While the tone of this journal entry may make it seem that I am barely passing, I have been successful academically in law school. I am ranked in the top quintile and have accepted a position at a distinguished law firm upon graduation. Because of my anger, I have been unable over the course of the past three years to truly reflect upon and enjoy the successes that I have experienced. Rather, my anger has always had me focused on what I could do better to become perfect. In so doing, I have failed to live in the present. As a corollary to the renewed sense of appreciation I have developed for my accomplishments in law school, I have also developed a sense of confidence in my legal skills.

In conclusion, the post meditation practice has helped turn my anger into contentment. I expect to be able to enjoy and properly appreciate my accomplishments throughout my remaining months in law school as well as beyond my graduation from this institution.³⁵

II. CULTIVATING PATIENCE IN SMALL MATTERS³⁶

Patience in Small Matters is one of the approaches that we can employ when using Slow Reversal to see anger arising. As the name suggests, this approach uses Slow Reversal in the context of working with small matters. We waste an enormous amount of energy fretting about small annoyances in life. For many of us, they are the source of great suffering because we are constantly assaulted with small difficulties, one after the other. If we respond with anger to insignificant difficulties, we will carry anger around with us all day.

It is easier to generate patience about matters that are small. To begin your patience practice, it is best to start with small matters such as the physical

³⁵ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

³⁶ Patience in Small Matters, the post meditation practice presented in this section, is based on a portion of a teaching on anger presented by Bardor Tulku Rinpoche at Hartford Karma Thegsum Choling in Hartford, Connecticut, in 2003. BARDOR TULKU RINPOCHE, EMBRACING PATIENCE, DESTROYING ANGER (Vajra Echoes 2003). This talk is available in CD, DVD, and MP3CD format at <http://www.vajraechoes.com>.

discomfort of insect bites, hunger, thirst, or a small itch. Other examples of small matters you can begin with include lost glasses or significant others who forget to do the dishes after a meal. After a while, we begin to see that many of the matters we thought were significant actually are small. We tend to make a bigger deal about difficult circumstances than they deserve. The result is pain and suffering for us and our coworkers, family, and friends.

You can employ all of the Slow Reversal antidotes to help you work with the small matters that are the object of this practice.³⁷ For example, you can look for misperceptions that may be the basis of your anger or you can generate compassion for people who have caused you to be angry.

The small sufferings that are the focus of this post-meditation practice do not have great significance in themselves. You can deal with them. They are not intolerable or unnecessary. They are situations that just happen and are not too hard to endure. Do not try to create situations. Just take advantage of what comes up naturally. Do not worry; situations will arise. In this practice, what you are doing is using small annoyances in life as your mindfulness reminder.

As a result, the situations with which you begin the practice may be small and insignificant, but cultivating patience with them is not insignificant. Through this practice, you can accomplish something tremendous. Begin with small matters like getting wet in the rain or experiencing a minor illness or injury. Then gradually try to increase the intensity of what you can patiently tolerate. Begin with situations that obviously do not require anger, progressing on to unavoidable situations that would normally anger you. This way, you can gradually cultivate patience.

After class I walked over to work at the UConn Co-Op where all afternoon people were throwing money at me, forgetting to ask for things nicely, and making a mess at the counter and leaving it. I wasn't angered by their actions. I wasn't even annoyed or frustrated. In fact, the entire time I just starved my anger. I didn't get wrapped up in what other people were about. When you observe an act in its purest form without guessing as to its motivation, most things are insignificant and meaningless. The girl who threw the coins at me wasn't doing it because she has a dislike for me. In fact I think she was focused on getting change out of her small change purse. The man who barely acknowledged my presence behind the counter was just wrapped up in thought. I have done something similar in the past and meant nothing of it. Why can't someone else do the same thing? It must be said that I usually ignore people's rudeness and don't let it get to me in a significant way. However, in the past ignoring the act would be accompanied by a spike of anger and then pride. I would first become angry by the act because I read too much into it. Then I would ignore it and then I would pat myself on the back for being so composed and letting it go. My pride would leave me with a sense of unfounded superiority. Monday I was able to starve my anger and not buy into negative pride. I acknowledged and let go of the small things without judgment.³⁸

Patience in Small Matters is a practice of insight. When you look at your response to small matters and understand that anger is not helpful, you cultivate wisdom that applies to larger matters as well. This is also a practice of familiarization or habit. Good habits, like bad habits, become natural and effortless

³⁷ See *supra* Part I.d.

³⁸ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

the more you practice them. In this way, Patience in Small Matters cultivates patience in more difficult matters.

Consider people you know. Some get very distressed at small matters while others maintain calmness through very difficult circumstances. From this observation, you can see that a given situation does not necessarily require you to become distressed. People who remain calm during difficult circumstances are no different than you. You can learn to respond to situations in the same way, with calmness. Mental stability will allow you to maintain composure during difficult circumstances. It eventually will become natural for you—easy and effortless.

I tried to practice patience and was successful in the driving context. Being settled behind a slow person driving in front of you really does not need to have a negative impact on your entire day! You pretty much get where you need to be in the same amount of time and you are more composed when you get there.³⁹

My computer crashed last week and I lost everything on my hard drive. This happened suddenly and unexpectedly despite the virus software I have on my computer which I update weekly. Needless to say, this was a source of anger and frustration for me. It was interesting however to find that my immediate reaction was to look for someone to blame. First, I looked to blame my father because he's always sending me e-mails with attachments to internet jokes; I thought that was where I picked up the virus. Next, I blamed my friend who downloaded my virus software, thinking that he downloaded it incorrectly. Next, I blamed the makers of my computer and finally I blamed the virus software in general.

It wasn't until about six hours of placing blame that I realized it's probably my own stupid fault for not backing up my documents like I know I should. It wasn't until I finally settled down and looked at what really happened that I was able to put this incident in context and realize that this wasn't such a huge deal. Luckily, this semester I have only two classes that I take computer class notes for and I can get those class notes from my friends. Once I was able to take a couple of deep breaths and realize that what happened actually wasn't going to ruin my life, I was able to move forward with the issue and work on repairing my computer.⁴⁰

III. SITTING WITH EMOTION

Sitting with Emotion is a powerful alternative approach to working with anger. To get the full benefit out of this practice, I suggest that you purchase and read *Anger*, by Thich Nhat Hanh, particularly pages 23 through 107.⁴¹ This book presents in detail the practice of Sitting with Emotion. It is readily available at many bookstores and at online bookstores as well. Sitting with Emotion, when used to work with anger, can help us work with our most difficult interactions with other individuals.

As discussed in earlier sections of this article, when we are dealing with small annoyances in life, it is possible simply to let go of our anger over these situations once we recognize the harm and futility of that anger.⁴² On the other hand, when anger arises on the basis of a hurtful remark by someone we

³⁹ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

⁴⁰ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

⁴¹ NHAT HANH, *supra* note 2.

⁴² See *supra* Part II.

depend on or need, even if we manage to use mindfulness to back away from the situation and avoid words or actions we would later regret, we are likely to find ourselves revisiting the hurt and refueling our angry response over and over again.⁴³ In such circumstances, it is difficult simply to let go of the hurt and anger.⁴⁴

Sitting with Emotion is designed to work with these deeply hurtful situations. It can be used in less hurtful contexts, but it is particularly effective when applied to negative interactions with people we care about. Unlike Slow Reversal and Patience in Small Matters, Sitting with Emotion is a formal meditation practice that begins with mindfulness or Tranquility Meditation practice.⁴⁵ Because the practice of Sitting with Emotion begins with Tranquility Meditation, I want to provide you with a concise instruction⁴⁶ on Tranquility

⁴³ When I first taught slow reversal to my Contemplative Lawyering students at the University of Connecticut School of Law, many of the students were quick to see the underlying fear and hurt that drove their anger once they used mindfulness to slow down their habitual anger response. This was a helpful learning experience for them and in some cases, they were able to see that their hurt was based on a misperception of what the other person said and did. In these cases, Slow Reversal helped them simply let go of both their hurt and their anger. However, when the hurt was based on an accurate perception of insult of other verbal abuse the students saw the hurt, but found they could not simply let it go. Later in this section, I talk about my own experience with Sitting with Emotion and how it can be used to work with these difficult situations.

⁴⁴ When we are unable to let go of hurt, we may use the hurt to refuel anger. Anger is a way of avoiding acknowledging or experiencing the hurt. At the other extreme, we may turn the anger inward, blaming ourselves for the situation. This may result in feelings of guilt. *See supra* note 29 and accompanying text. If the hurt is simply too much to face, we may repress our hurt and anger. Sitting with Anger provides us with a way to actually work with the anger and transform it rather than refuel it, turn it inward, or repress it.

⁴⁵ I use the words tranquility and mindfulness somewhat interchangeably. Tranquility Meditation is primarily aimed at settling your mind. Mindfulness is a skill that becomes possible as a result of or on the basis of Tranquility Meditation. Mindfulness makes it possible to generate insights about our minds, including insights about our confused thoughts and emotions. Some meditation traditions (Tibetan Buddhism) emphasize tranquility in some practices and insight in others. Tranquility is developed separately as the foundation for mindfulness and the insight that results from applying that mindfulness. Other meditation traditions (insight meditation) combine tranquility and insight into one practice of mindfulness meditation.

Separating tranquility and insight practices allows us to focus on one skill at a time. Teaching mindfulness meditation that includes both tranquility and insight recognizes the reality that the two are, in fact, inseparable.

The meditation instruction I provide here is drawn primarily from the Tibetan tradition that treats tranquility as a foundation for insight rather than mixing the two. At the same time, however, I am drawing on the teachings of Thich Nhat Hanh, who presents a mindfulness meditation that includes both tranquility and insight. I approach meditation in this way because I recognize the power of both approaches: using tranquility as a foundation for insight and mixing tranquility and insight in a “mindfulness” practice. Therefore, the Tranquility Meditation that I teach here encourages you to cultivate mindfulness and insight. At the same time, tranquility practice provides a foundation for the Sitting with Emotion practice that is the subject of this section.

I have clarified this distinction because readers may have previous familiarity with one of these meditation traditions and be inspired by this book to read other books on meditation instruction. Without an explanation, you could be confused.

⁴⁶ There are many excellent sources for instruction on meditation practice. *See, e.g.*, NHAT HANH, *THE MIRACLE OF MINDFULNESS*, *supra* note 24; KHENCHEN THRANGU, *THE PRACTICE*

Meditation as a foundation for introducing you to the practice of Sitting with Emotion.

A. *Tranquility Meditation Practice Instruction: Posture of the Body*⁴⁷

The first instruction relates to your physical body—how to position your body to engage in meditation. The primary point is to create a stable physical basis for your practice. You can practice sitting in a chair or on a cushion.

If you choose to use a cushion for meditation, select one that is not too firm and not too soft. Sit with your legs crossed. Place one foot immediately in front of the other or rest one foot on your thigh. Another option is simply to cross your legs loosely; however, this posture can be somewhat unstable. In addition, it is important to place your knees below the level of your hips so that you do not slouch forward to keep from falling backward. Therefore, if you plan to sit with your legs loosely crossed, use a higher cushion.

When you meditate while sitting on a chair, select a chair that allows you to place your feet flat on the floor with your knees in a ninety-degree angle. The chair should have a straight back and be neither too hard nor too soft.

Whether you are meditating on a cushion or on a chair, it is most important that you keep your back straight. Keeping your back straight helps keep your body centered and your mind calm and clear.⁴⁸ With respect to your hands, simply rest them lightly on your thighs. You will be most comfortable if you keep your mouth slightly open with your tongue resting on your palate. Finally, with respect to your eyes, many people meditate with their eyes closed. The difficulty with this approach, however, is that it may contribute to dullness, sleepiness, or dreaminess in your meditation. A recommended approach is to keep your eyes open, but lower your gaze and focus your eyes softly on a spot in the air about a foot in front of your chest. This helps reduce the distraction

OF TRANQUILITY AND INSIGHT: A GUIDE TO TIBETAN BUDDHIST MEDITATION (Snow Lion Publications 1998); *The Mind of Meditation*, 7 BODHI (2004), available at <http://www.bodhionline.org/viewissue.asp?id=31> (“With this issue, Bodhi introduces a yearlong consideration of the practice of meditation.”); THE DZOGCHEN PONLOP RINPOCHE, MAHAMUDRA: THE PATH OF SIMPLICITY (Vajra Echoes 2005); KHENCHEN THRANGU RINPOCHE, PUBLIC TALK ON THE MEDITATION OF DEEP HOLDING (Vajra Echoes 2006) (Vajra Echoes recordings are available for sale at www.vajraechoes.com). In addition, meditation instruction is available at meditation retreats for lawyers and other legal practitioners offered by The Center for Contemplative Mind in Society. The Center for Contemplative Mind in Society has a law program that provides contemplative practice retreats. See The Law Program, <http://www.contemplativemind.org/programs/law/index.html> (last visited Mar. 14, 2010).

⁴⁷ Instructions on the posture of the body for meditation can be found in many of the sources provided *supra* note 46.

⁴⁸ There is a strong relationship between body and mind. Consider how easy it is to fall asleep if you try to read a book lying down or in a chair that is too laid back and comfortable. Try smiling and notice how your mind lightens up. Lean forward and notice how you feel a sense of anticipation. Keeping your back straight all the way up through your neck has a calming effect on your mind. In order to keep your back straight, you should tilt your head forward slightly so that the spine in your neck is in line with the rest of your back. It is also helpful to keep your shoulders straight. By this I mean that you should not have one shoulder higher than the other and your shoulders should not be shrugged forward.

that you may experience if you look around the room, without creating the tendency to sleep associated with closing your eyes completely.

*B. Tranquility Meditation Practice Instruction—Following the Breath*⁴⁹

You will learn the most from this instruction if you read it very slowly, following the directions while you read. This will provide an excellent introduction to the practice.

Meditation is about becoming familiar with your own mind and knowing yourself. It is about discovering the qualities of your mind. The meditation technique is simple: rest your mind on your breath as it flows in and out of your nostrils. Feel the breath flowing down into your lungs and back out again through your nostrils. Feel your chest rise up and fall back down as you breathe. There is no need to change the way you breathe. Simply follow your breath as it flows in and out. Appreciate your breath. Breathing is a precious experience of living in the moment. Appreciate that moment, rest in that moment. Breath is momentary. Breath is always changing. Each moment brings a new breath. Appreciate the present moment of your breath.

When thoughts arise, simply acknowledge them and return to your breath. Do not label, engage, or follow your thoughts. At the same time, do not try to repress them. Simply notice them, acknowledge them, and return to following the breath. If you become distracted and engaged with your thoughts, simply return to following the breath when you recognize that you have become distracted.

This practice is both deceptively simple and deeply profound. This practice allows your mind to be present. Ordinarily our minds are anticipating the future or reviewing the past. We are so busy making plans for the future that we are never present in the existing moment. We are so busy regretting the past, trying to regain the past or obsessing about some hurt we experienced in the past, that we never experience the present—NOW. Simply follow your breath and appreciate *nowness*.

You may find yourself distracted by many thoughts. Perhaps you are under a deadline at work and cannot get a project out of your mind. Tell yourself that now is the time set aside for meditation; there are many other hours during the day that you can spend thinking about your work projects.

Nonetheless, thoughts should not be viewed as an enemy when you are meditating. Thoughts are your friend. They remind you to return to the breath, to return to the present. Meditation is simply about being present. The meditation instruction simply establishes the intention to use your thoughts as a reminder to return to following your breath, a reminder to return to the present. Without this intention, we ordinarily ignore this reminder and ignore the present. But, if we use thoughts as a friendly reminder to return to the present, they can help us simply follow our breath and appreciate *nowness*. More than

⁴⁹ This meditation instruction on following the breath is based on instructions I have received orally from many teachers, including His Eminence Tai Situ Rinpoche, Khenchen Thrangu Rinpoche, and especially my primary teacher, The Dzogchen Ponlop Rinpoche. This instruction is also based on my experience of meditation.

that, noticing and being fully aware of your thoughts is your first experience of meditation.⁵⁰

C. Meditation Practice Instruction—Sitting with Anger

Begin this practice by generating an aspiration to transform your anger. Beginning a formal meditation practice with an aspiration increases the power of that meditation session because it helps you retain your focus on the practice. The aspiration reminds you why you are doing the practice. When you find yourself distracted, the fact that you have identified and expressed a reason for doing the practice will make it easier to let go of the distraction and return to the practice. This is true for anything we do. Having a reason for doing something provides us with the motivation to complete the job we set out to do.

After generating your aspiration, sit in Tranquility Meditation (following your breath) for five or ten minutes. Simply watch your breath.

Once your mind is reasonably settled, recall a recent interaction with another person that made you very angry or deeply hurt. Run this scenario through your mind so that you begin to experience the same hurt and anger that you felt during the original incident. Bring the feeling up so that you truly experience it, but do not allow it to get out of control. Use your mindfulness meditation skills to keep this strong feeling just under control. Whenever you find yourself getting engaged in the anger, let go of the thoughts that are fueling the emotion and return to your breath. Again, use your thoughts about the situation that angered you to bring up the anger so you can experience it, but not get lost in it. Look at your hurt and anger. Look at your experience of hurt and anger and notice which thoughts cause it to well up in you. The point here is *not* to justify your anger or to place blame on the other person. Isn't this the way we usually work with anger? Rather, the point here is to see and experience your anger in order to come to an understanding about what is causing you to feel so hurt and angry.

When you look in this way, you will likely find that underlying your anger is a deep feeling of hurt or fear. You may be hurt because someone said something that you believe means they do not care about you. You may be hurt because the words someone said suggest to you that they he or she thinks you lack positive qualities. You may be hurt because you believe someone has seriously misjudged you. You may be hurt because someone spoke harshly to you or insulted you. You may be fearful that someone you care deeply about no longer loves you; or you may be fearful that someone is going to hurt you, for example, by tarnishing your reputation. There are many reasons why you might feel hurt or fear, but if you look at your experience, you will likely find that your hurt is based on your attachment to being perceived in a certain way and your belief that someone has failed to see you clearly. During this process, if you find yourself distracted or losing control of your strong feelings, simply return to resting on your breath. Calm the hurt and anger by letting go of the story line and returning your attention to your breath.

⁵⁰ Ordinarily, we are not aware of our thoughts. We think without even realizing that we are thinking. We are "lost in thought."

Be gentle with yourself throughout this process. This is not a blame game. You are not looking to blame yourself or the other party. You are hurt, and you are looking at the hurt, embracing the hurt, experiencing the hurt, and learning from the hurt. Look deeply into the hurt and anger in order to learn how it came about. Were your hurt and anger really caused by the speech and actions of another person, or were these feelings the result of your own needs and attachments? Are you responding instead to a reminder of something that happened far in your past? Are you mistaking this person for someone else who hurt you in the past? Are you hurt and angry because you are feeling physically exhausted or suffering from an illness?

In this practice, you are looking at your actual experience and seeing it clearly.⁵¹ This is not a conceptually based contemplation.⁵² Nonetheless, it may help you in this process of looking at your anger if you remember that typical roots of anger include misunderstanding, ignorance, wrong perceptions, lack of understanding, lack of compassion, and, in some cases, lack of clear seeing.⁵³ This last category refers to situations where anger is directed at individuals who consciously engage in hurtful behavior with others, such as intentional discrimination or physical assault.⁵⁴

Once you have identified the nature of your hurt and anger and developed some insight about where it comes from, you will begin to feel much better.⁵⁵ But have you considered the other party in this dispute? He or she is still suffering. At this point in the practice, look deeply at the person whose speech or actions precipitated your anger. Remember your love for this person. Remember the kindness this person has shown to you at other times. Are you certain that this person intended to hurt you? Consider why this person may have spoken or acted as he or she did. Did you do something or say something that might have hurt this person? Is she or he sick or injured or experiencing some kind of stress? Bring your understanding of your own anger and hurt to your mind as you seek an answer to these questions.

Try to see the ways in which this other person suffers. Try to see the ways in which this person is no different from you. Consider how you can help this person. Remember how much you care for him or her and generate an aspiration to help in any way you can. Realize that what you have already accomplished through meditation is deeply beneficial. You have transformed your anger and hurt into compassion. This alone is helpful. After Sitting with Emotion, you are unlikely to engage in harsh words and conduct with this person in response to the incident that initially gave rise to your hurt and anger.⁵⁶ When you have finished the Sitting with Emotion practice, return to Tranquility Meditation for a few moments. End your practice with an aspiration to transform your anger.

⁵¹ NHAT HANH, *supra* note 2, at 27-35.

⁵² *Id.*

⁵³ *Id.*; see also FRENKEL & STARK, *supra* note 2, at 42-43.

⁵⁴ FRENKEL & STARK, *supra* note 2, at 42-43.

⁵⁵ NHAT HANH, *supra* note 2, at 31.

⁵⁶ *Id.* at 36-37.

D. Sitting with Anger—Comments

There are many examples that I could give about how the Sitting with Anger practice works. I will provide just a few examples. You will experience your own examples as you do the practice.

One situation I have faced is what I call “free-floating anger” on my “Uzi days.” This happened many times while I was going through menopause. I would find myself feeling angry and start looking around for something to attach that anger to, something to explain it. I would eye my husband suspiciously, trying to find something he was doing to set me off. By Sitting with Anger, I was able to see that there really was no outside trigger for this anger. It was a product of the hormonal imbalance in my body. I was simply angry, without any actual reason for the feeling. Knowing this, I was able to laugh at myself and see clearly that the people in my environment (primarily my husband) were not doing anything at all to cause my anger.

Another situation involved a close friend who became very angry when I was a few minutes late for a meeting. Her anger made me angry because she did not seem to understand my busy schedule and how hard I had tried to get there on time. After I returned home, I sat with my anger. I brought up the interaction with my friend and looked at my anger. I saw that my friend’s failure to appreciate my good qualities and intentions caused my anger. I realized that my anger was really grounded in hurt and that this hurt was based in part on my memories; I remembered that my mother and my first husband treated me in the same way. It was not my friend’s anger but my need to be appreciated for my other qualities and my good intentions that made me angry. Once I understood this, I realized that my friend’s anger at me was no different than my anger at her. She was angry I was late because she perceived my lateness as an indication that I did not value her. Because I understood the underlying basis for my own anger, I was able to see and understand her anger. We both wanted the same thing—to be loved.

I did have a bit of an emotional epiphany this week. I think all of our class dissection of our emotions has led me to believe that our emotions are not the result of what is outside of us; rather they are part of us. Our emotions are something we create. . . . Although our emotions are triggered by stimuli on the outside, they are really nothing more than the reactions we give to these stimuli.⁵⁷

When we first began discussing these practices [about emotions], I was a little bit skeptical because I had never really thought about emotions and where they came from other than focusing on the impetus that led to them. I am intrigued by the idea of exploring my emotions more thoroughly and to not necessarily accept them as resulting from other’s actions when in fact many of them may stem from my own emotional issues.⁵⁸

Throughout this year, I have had an acrimonious relationship with a person I work with. For most of the year, I thought the source of the problem was this other person. I believed that this person was being deliberately difficult for some reason. After most encounters, I was consumed with anger and completely annoyed that this person had generated all this negativity.

⁵⁷ Student Journal, Contemplative Lawyering Course (2005) (on file with author).

⁵⁸ Student Journal, Contemplative Lawyering Course (2005) (on file with author).

In the last few weeks, I started to think about my own responsibility in the situation. I have a tendency to be insecure. I am prone to thinking that everyone is smarter or more informed about things. When this person would nitpick everything I said or did, I felt defensive and would retaliate. I wanted to prove that I was smart or that I knew what I was talking about. I was trying to somehow “win” every exchange. And to be honest, I think he was too.

By practicing mindful listening and generating an aspiration to restrain myself, I think I have started to correct this. When I practice mindfulness, I am less likely to lash out from a place of ego. Instead, I am more likely to see that if my comments are motivated by anger, I am only going to cause more damage to the relationship and cause both myself and this other person more suffering. Lashing out in anger is never going to fix my own insecurities.

I have also made an effort to change my frame of reference. Instead of looking at our exchanges and our working relationship as difficult and annoying, I try to see it as an opportunity to develop patience and self-restraint. This sounds bizarre, but I have started to feel thankful for this challenging relationship. I have learned so much about myself and about other people. I think it will only benefit me in the future.⁵⁹

This week I had a chance to work with anger in the context of someone actually yelling at me. It happened at my externship with my boss. He yelled at me for something that I really had nothing to do with. I made a snide comment back to him. . . .

When I got home, I really sat with and thought about what had happened. I thought about how I had let my relationship with my boss get to the point where I was ready to snap at him. I also thought about why he acted the way he did, and realized he’s pretty unhappy with his life right now and was displacing some of his dissatisfaction on me. I made an aspiration to not allow my relationships with others develop the way this one had. When I’m a lawyer, I want to have healthy, open, helpful relationships with those I work with. I think those relationships are imperative to fostering a productive, respectful work environment.

After I thought this through, I felt a lot better about what had happened. Later the same day I thought about the incident again and I really didn’t feel angry any more. I couldn’t even conjure up the anger I felt. It was the first time I’d eve[r] noticed this phenomenon, but I thought maybe because I had really addressed it, the anger just truly wasn’t with me anymore. It was quite a learning experience and now I’m kind of glad it happened because I got a lot out of it.⁶⁰

IV. MINDFUL SPEAKING⁶¹

Speaking mindfully means not being motivated by ego-centric needs. Motivated by an aspiration to benefit others, mindful speech is very important

⁵⁹ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

⁶⁰ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

⁶¹ This section on Mindful Speaking is based on a variety of materials, including an unpublished talk by The Dzogchen Ponlop Rinpoche. This talk was given on September 1, 2005, at The Dzogchen Ponlop Rinpoche’s center in New York City, Nalandabodhi New York. A video recording of this talk is available for viewing (but not for purchase). If you are interested in viewing this video recording, please contact Deborah Calloway. Other sources with information on Mindful Speaking include: NHAT HANH, *supra* note 2, at 47-65, 71-88; KHENCHEN THRANGU RINPOCHE, *BUDDHIST CONDUCT: THE TEN VIRTUOUS ACTIONS* 27-30 (2001); CHÖGYAM TRUNGPA, *CUTTING THROUGH SPIRITUAL MATERIALISM* 157 (First Shambhala Library ed. 2008). In this section, I have applied what I learned from these sources to the process of communicating in the context of resolving deep conflict.

in the context of resolving deep conflict. When you and someone you love have made each other angry, compassion together with mindful speaking can help you work your way out of your separation. When you are angry and hurt by a deep disagreement, it is as though a wall has come up between you. You cannot look at each other. You cannot touch each other. There is a wall that seems impenetrable. Once you have practiced Sitting with Emotion, understood the source of your anger, and generated feelings of compassion for your friend or family member with whom you were angry, this is the time to use mindful speaking.

Mindful speech, even in difficult circumstances, begins by saying something positive. Contemplate what you can say at this moment that will be positive and genuine. Do not make something up. Generate a genuinely positive thought. Perhaps you can express regret that you are having difficulties with each other or acknowledge your role in precipitating the dispute. Perhaps you can simply say that you are hurt and that you need help working with your tendency to be hurt easily. Perhaps you can ask if there is anything you can do to make the other person feel better.

If you have not been able to really understand and work with your anger, you may need to communicate that you are hurt and angry. This can be done with mindfulness as well. It is possible to communicate that you are hurt and angry without blaming the other person or using harsh language. You can speak with a gentle and kind voice and explain that you are hurt and angry, but that you do not want your anger to hurt your friends and family. You can say that you need help understanding your anger.

You may think that the other person will not listen to you. You may think that it is not possible to break through the wall of distrust that has built up as a result of your dispute. This is not so. If you approach the person with loving kindness and a genuine motivation to help, it is quite likely that he or she will hear you and soften. Even if you are still hurt and angry, if you can remain calm and mindful, rather than engage in your anger and act on it, you will be able to communicate skillfully.

V. MINDFUL LISTENING

A very powerful way to work with situations of deep conflict is to engage in deep mindful listening without judgment. Often individuals who speak in angry, harsh language are simply trying very hard to be heard. Something is bothering them on a very deep level, and they feel like no one listens to them.⁶² This is readily seen with small children who have not yet developed speaking skills. They will cry and cry because they cannot express the source of their discomfort. Adults will sometimes engage in similar conduct.⁶³ They see clearly that something is not right and is causing them distress. When they feel they cannot express their discomfort because no one will listen to them, they get angry and shout.

⁶² See NHAT HANH, *supra* note 2.

⁶³ *Id.*

Consider how it feels when you are the target of an angry tirade. It is very hard to stand your ground without either trying to escape or fighting back.⁶⁴ It is really hard to listen deeply and with an open heart when someone is shouting. The shouting makes you defensive; you want to say something to defend yourself. Or the shouting makes you so hurt and uncomfortable that you want to either shout back to protect yourself or run away.⁶⁵ Another usual response to shouting is to judge.⁶⁶ When someone is angry, our immediate response is to go on the defensive and try to prove that the angry person is wrong.⁶⁷

You can do a great service for this angry, shouting person by simply listening without judgment.⁶⁸ Try to be fully present with the angry person. Try to listen calmly, without distraction and without judgment. When you do that, you may find that you finally hear what the person is trying to say. At that point, you can reframe what the person has said in order to demonstrate that you have heard correctly. It is often helpful to reframe what has been said in a way that does not blame anyone.⁶⁹ Instead, try to affirm the hurt feelings that the other person has expressed. When you encounter a difficult person in your life, try this practice—listen deeply without judgment. You may be surprised at what happens. You may find out that the person is willing to calm down once he or she feels truly heard.

By listening in mindfulness to others, I am able to better hear the inner dynamics expressed in other's speech. By not being occupied with my own thoughts while others are talking I am better able to sense the balance of confusion and peacefulness in people's voices. I am able to extend more compassion to people when I understand that they too are coming from a place of confusion.⁷⁰

I would like to share with you how I think I was able to make some progress towards my overall aspiration to manage my emotions better and to do so by using impartiality, but more importantly my watch dog Max and the slow reversal practice. This situation concerned the person in my life with whom I have the most difficulty, my dad. While visiting my parents, an incident occurred that sent my dad into one of his verbal tirades, a big part of which was directed at me. I did NOT react like I normally do by yelling back at him. (I think this class really has had an effect on me, because for the first time ever, I actually did not feel the same level of anger that I usually do when he starts to yell and I was able to generate calmness in myself . . . it was kind of strange actually. I did not recognize myself for a second. Because his yelling spells are typical, I think Max and I were prepared for this to come up . . .)

Instead, I was able to sit back and not react and just take it all in. It was an important moment of self-reflection. I waited for him to finish and then I asked him what my mom and I could do not to upset him so much next time. He calmed down much faster than he normally does and was all apologies for overreacting.⁷¹

⁶⁴ *Id.* at 23-24; FRENKEL & STARK, *supra* note 2, at 45-46.

⁶⁵ NHAT HANH, *supra* note 2, at 23-24.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.* at 3-5, 89-95.

⁶⁹ *Id.* at 71-72.

⁷⁰ Student Journal, Contemplative Lawyering Course (2005) (on file with author).

⁷¹ Student Journal, Contemplative Lawyering Course (2006) (on file with author).

VI. COMMENTS ON “JUSTIFIED ANGER”

After considering what you have read so far, you may be thinking, “But what about *real injustice*?” When we see *real* injustice, we get angry. How should we deal with this? A good approach is to ask yourself, “What is the most useful response to real injustice?” While hitting someone could be a skillful response in a context of physical attack, we ordinarily are not going to be effective in dealing with injustice if we become angry and react with violence. In addition, nobody will listen to what we have to say if it comes from a place of ego-involved anger. Whenever ego is involved and we feel personally hurt or insulted, our ability to speak effectively diminishes⁷² and we tend to attack.⁷³ When people are under attack, they do not listen.⁷⁴ They simply become defensive.⁷⁵ The most effective way to communicate with someone, even in a difficult situation, is by starting with something positive.⁷⁶ This is very difficult to do if you are angry and argumentative. Patience can be helpful even when we encounter a situation that is truly worthy of our concern. For example, we may see someone undeservedly treat another person badly at work. Or perhaps we see someone mistreated on the basis of their race or sex. These are serious and important concerns, but if we can somehow see the injustice clearly, while at the same time deal with it skillfully and calmly, we may actually be heard. At the very least, we may avoid making things worse.

Even if we are faced with a situation of danger, anger may not be the most skillful response. For example, suppose you encounter someone who is drunk and aggressive. If you become angry in return, this will simply escalate the situation. Speaking calmly is much more likely to keep you safe from harm because it may calm the aggressive individual.⁷⁷ In addition, if you become

⁷² FRENKEL & STARK, *supra* note 2, at 45.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ The Dzogchen Ponlop Rinpoche made this point in a talk he delivered in September 2005 at his center in New York City (Nalandabodhi New York). See *supra* note 61. This same sentiment is also expressed by Thich Nhat Hanh in his book, *Anger*. NHAT HANH, *supra* note 2, at 102-07. I have also experienced the power of beginning a difficult conversation with a genuinely-felt positive statement.

⁷⁷ The Crisis Intervention Team’s approach to policing provides a profound example of the benefits of approaching dangerous and aggressive individuals with calmness. The Memphis, Tennessee Police Department adopted this approach following an unfortunate incident during which a mentally ill individual was shot and killed by police. The centerpiece of the Memphis program is training officers to communicate with mentally ill individuals in ways that de-escalate rather than escalate conflict and aggression. The officers learn that calm speaking de-escalates while confrontation tends to escalate aggressive behavior. The program in Memphis has resulted in reduced injuries and arrests and increased diversion of mentally ill individuals into treatment programs. The Memphis Program has been nationally recognized and has encouraged other jurisdictions to adopt a variety of training programs designed to work more skillfully with aggressive mentally ill individuals. See Crisis Intervention Team, <http://www.memphispolice.org/Crisis%20Intervention.htm> (last visited Mar. 14, 2010); Joanne Silberner, *Morning Edition: Training Police to Handle Mental Illness Cases* (NPR radio broadcast May 21, 2009), available at <http://www.npr.org/templates/story/story.php?storyId=104350808>.

angry, you will not be able to think clearly about the best way to approach the situation.⁷⁸

Nevertheless, there still are times when strong words can be helpful. For example, when a small child tries to run across a road, strong words may be necessary to stop the child from getting hurt. However, even in this circumstance, you will be more effective if any strong and loud words are spoken out of genuine concern for the child's safety rather than anger.⁷⁹

VII. THE DANGERS OF REPRESSING ANGER

Slow Reversal is about learning from our anger by slowing anger down and looking at it. It is important to understand that the Slow Reversal practice is not about repressing anger. By repression I mean an approach to anger that neither admits or acknowledges anger nor allows anger to manifest. When we repress anger, we may not even be aware that we are angry because we ignore our feelings. This is the precise opposite of using mindfulness to look at anger and at the situations that make us angry. When we use mindfulness, we look at both the anger and the situations that give rise to anger and consider alternative and more skillful approaches to working with those situations.

On the other hand, it is wrongheaded to think that we can free ourselves from anger by blindly lashing out and saying whatever we want to say. The healthy way to work with emotion is to acknowledge the anger and cultivate skillful ways to communicate without denigrating or physically hurting someone. We need to be willing to stay with the pain of anger without expressing or denying it. We need to sit with it and then choose a healthier response. If we can sit with anger, we gain the freedom to choose a healthy response. Mindfulness and Slow Reversal provide the space in which to choose how to respond. They give us the space in which to apply an appropriate antidote.

VIII. DEALING WITH GUILT

The process of working with strong emotions can be extremely slow.⁸⁰ We have deeply ingrained habits that are difficult to reverse.⁸¹ It may take years of practice to finally come to a place of contentment and selflessness that allows you to work skillfully with disturbing emotions like anger. There is no quick fix. Slow Reversal is a first and significant step towards working with anger and other strong emotions, but it is important to understand that you will not be able to tame your anger in a week or even a year.

⁷⁸ FRENKEL & STARK, *supra* note 2, at 45.

⁷⁹ Consider your own experience. How do you feel when someone speaks to you in angry and hostile tones? How do you feel when someone speaks loudly in order to get your attention, but without any anger in his or her voice?

⁸⁰ Like all contemplative practices, the effectiveness of this practice depends on the strength of your aspiration to work with emotions and your confidence in the practice of working with emotions balanced against the strength of your habitual pattern of emotional reactivity. See The Dzogchen Ponlop Rinpoche, *The Secret Mind*, 7 BODHI 27 (2004), available at <http://www.bodhionline.org/viewissue.asp?id=31>.

⁸¹ *Id.*

It is wonderful progress if this practice simply helps you notice when anger arises and recognize that your strong emotions cause you to engage in harmful behavior. Even if you do not catch your anger until you have said or done something extremely unskillful, you noticed. This is amazing and very beneficial. It is important to be gentle with ourselves as we work with strong emotions. We cannot expect to progress too quickly. It is important to maintain an aspiration to recognize and try to work skillfully with strong emotions without turning that aspiration into an expectation that brings more suffering when we fail to meet it.

As a result of this practice, you may notice your unskillful actions more than you have noticed them before. Having noticed your failure to be mindful and kind, you may find yourself experiencing guilt. Try to be gentle with yourself. We gain nothing when we suffer from guilt, which is a form of self-condemnation. When we entertain guilt, we label ourselves as evil, unworthy persons who must suffer as a result of our bad deeds.⁸² A more positive approach is to avoid punishing yourself and acknowledge that it is wonderful that you have noticed your unskillful actions.

To transform this lapse in mindfulness into a beneficial experience, try the following four-part practice.⁸³ First, recognize and acknowledge that you have made a mistake. Second, generate genuine regret for your lapse of mindfulness and the resulting unskillful speech or conduct. Third, generate an aspiration not to repeat this mistake. Fourth, enhance the power of your aspiration by making your aspiration known to someone you respect deeply.⁸⁴ This practice makes mistakes useful and beneficial because recognizing and regretting the mistake lays the foundation for a more mindful and skillful approach in the future. We use the mistake to inspire and motivate better conduct in the future. This is wonderful. Every time you do this, you increase the possibility that you will catch your rising anger earlier next time. Wallowing in guilt over unskillful actions accomplishes nothing. In contrast, using unskillful actions as the basis for a generating a genuine aspiration to be mindful and skillful has the potential to accomplish something wonderful.

IX. SLOW REVERSAL, PATIENCE WITH SMALL MATTERS, AND SITTING WITH ANGER—RELATIONSHIP TO DISPUTE RESOLUTION

My intention with this Article is to provide several simple practices you can use to develop skills for working with emotions. These practices are extremely effective when applied to relationships with close family, friends, and work colleagues.⁸⁵ If we work with these practices regularly in all aspects

⁸² B. ALAN WALLACE WITH STEVEN WILHELM, *TIBETAN BUDDHISM FROM THE GROUND UP: A PRACTICAL APPROACH FOR MODERN LIFE* 101 (1993).

⁸³ *Id.* at 100-02.

⁸⁴ *Id.*; see also TULKU DAMCHO RINPOCHE, *Talk 3, on The Complete Path of Practice: A Teaching on the Kagyu Lineage Prayer* (Vajra Echoes 2009). This recording is available in CD, DVD, and MP3 format at <http://www.vajraechoes.com>.

⁸⁵ Thich Nhat Hanh's book *Anger* focuses primarily on helping people listen and communicate skillfully in conflict situations that involve close family and friends. NHAT HANH, *supra* note 2. In this book, he relates many heartwarming stories about people transforming difficult conflict relationships into loving and supportive relationships. Many of my students in

of our lives, we will not need any special techniques to work with emotions in the context of dispute resolution. The same skills apply wherever we encounter conflict, regardless of the context.

Working with your own emotions makes it possible to help clients deal skillfully with their hurt, anxiety, and anger. Much of law practice is about resolving conflicts between individuals. We constantly work with individuals who suffer from hurt and anger and who try to resolve disputes with other people. In the context of litigation, there is a great deal of room for helping clients see their role in causing a dispute and for encouraging clients to take responsibility for their contribution to the problem. By working with emotions on a daily basis, we can learn to respond skillfully to malicious and hurtful letters from the other party in a dispute. In the context of mediation, we are regularly called on to reframe issues and help people see their role in the dispute, as well as develop some recognition of the needs of the other party.⁸⁶ The more we have worked with our own emotions, the easier it will be for us to help people work with conflict and emotion in the mediation process.

I began this Article with a story about Jack and his mediation with a restaurant owner. During this mediation at the University of Connecticut School of Law, it became clear to me that emotions played a significant role in both in the original conflict and in the mediation itself. While anger had been the predominant emotion at work in the initial confrontation between Jack, the restaurant customer, and the restaurant's manager, the mediation was running into difficulty because both sides were afraid. They were suspicious and mistrustful of each other's motives and intentions. Jack was deeply hurt by the homophobic insults he had endured. He was afraid of his attacker but wanted to face him nonetheless. The restaurant feared that both its manager and Jack would get confrontational if brought together at the mediation. The restaurant also feared that Jack would damage its reputation.

The mediation rules we used provided each side with the opportunity to speak at length about their concerns without interruption by the other side. The rules also provided an opportunity for each side to question the other side and listen (again without interruption) to the answer. Built into this mediation structure was an approach that encouraged each side to listen without judgment (or at least without immediately expressing judgment). Listening has a healing effect on conflict. This mediation structure provided space that allowed the parties to express their fears and mistrust, ask questions, and hear answers.

Because of this structure, the students facilitating the mediation simply proceeded using the mediation ground rules to begin the process of working with the emotions in the room. The restaurant owner had an opportunity to express his deep regret about the incident. Although his expression of regret did not satisfy Jack's needs, at least Jack could see that the owner was sympathetic with his situation. Jack then had the opportunity to communicate the fear and hurt he had experienced during the confrontation. Because everyone was listening, as opposed to shouting, he was able to express his fear and hurt with-

Contemplative Lawyering used the practices they learned in my class and from reading Thich Nhat Hanh's book to work skillfully with friends and family.

⁸⁶ See generally BUSH & FOLGER, *supra* note 3 (arguing that mediation has the potential to help people accept and be more open to opposing parties).

out yelling or threats. The restaurant owner was able to hear what he had to say and observe that he was not an unreasonable, confrontational person.

Jack said that he wanted was to speak directly to the manager who had insulted him. The restaurant owner and his lawyer did not understand why this was important for him. Both the lawyer and the owner were stuck in a view of conflict where problems are resolved by legal remedies, such as assignment of fault and monetary compensation. However, because the plaintiff appeared to be a reasonable and non-confrontational person, they agreed to arrange a second mediation with the offending manager present.

At a subsequent meeting between the parties, the offending restaurant manager finally showed, accompanied by the restaurant's lawyer. Again, the parties had an opportunity to communicate their views on what happened, without interruption by the other side. It became apparent what Jack wanted: (1) he wanted the restaurant manager to recognize his hurt and fear of harm; (2) he wanted the restaurant manager to recognize the vulnerability of gay men that makes demeaning and degrading homophobic remarks frightening; and (3) he wanted the manager to see him as a fellow human being, rather than depersonalize him with epithets. From a personal perspective, Jack wanted the mediation process to heal his fear and hurt by allowing him to communicate with the restaurant manager and perhaps get recognition from that manager—recognition of his pain, recognition of his fear, and recognition of his humanity. In a broader sense, Jack wanted to make something positive come out of this unfortunate circumstance. He asked the restaurant manager to agree to attend a weekend training with an organization that conducted workshops to raise consciousness about homophobia.

The restaurant manager did not want further confrontation either. He knew that what he said during the confrontation was not right, but, like Jack, he wanted recognition that he also had been insulted and dehumanized during the confrontation. The restaurant manager, like Jack, had experienced hurt and fear during the confrontation with Jack and his group of friends.

In the mediation context where both sides had an opportunity to be heard, both sides found that they were able to hear what the other side was saying. The manager acknowledged the wrongfulness of his speech and conduct and expressed his regret for the hurt and fear he had caused Jack. Jack acknowledged the wrongfulness of his speech and conduct and expressed his regret for the hurt he had caused the manager. The manager agreed to attend the consciousness-raising workshop. Amazed at the beneficial outcome, the lawyer acknowledged that he had learned something about both conflict and homophobia during this mediation. He also made a commitment to attend the consciousness-raising workshop along with the manager.

I see a number of take home lessons from this mediation. First, fear, misperception, and hurt frequently are the root of anger and conflict. Second, listening without judgment has an amazing power to heal conflict because listening allows misperceptions to be clarified and relieves fear and hurt by humanizing both sides of the confrontation. Third, some plaintiffs may be more interested in recognition, acknowledgement of wrongdoing, and apology than they are in legal remedies.

Similarly, it is always helpful to approach people in your personal and work life with a smile and words of praise and encouragement. You can improve the relationships and atmosphere in your law office if you behave in this way. Developing habits of positive interactions with others in your personal and work life will automatically benefit your work in dispute resolution because the skills you acquire are applicable there as well.