



## **ABRIDGED REPORT ON THE NOVEMBER 2004 LAWYERS' RETREAT**

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From November 18 – 21, approximately 75 lawyers, law students, law professors, and mediators gathered at the Spirit Rock Meditation Center in Woodacre, CA, for the 2004 Lawyers' Retreat. This retreat marked the second Spirit Rock retreat co-sponsored by the Center for Contemplative Mind in Society. While the Center has previously offered over five contemplative law retreats, the intention behind the 2004 retreat was to give the retreatants an even deeper experience in exploring the nexus of contemplative practices and the legal profession. This objective was largely fostered by the introduction of the "meditative perspective," a concept articulated during the conversations of the Bay Area Working Group.

The meditative perspective is a way of viewing and acting in the world that is inspired and fostered by meditation and other contemplative practice.<sup>1</sup>

In contrast to earlier law retreats, this was the first time that all the participants paid their own way—the East Coast retreats were all fully subsidized and the Center paid for the planning group's attendance at the 2003 Spirit Rock retreat. Many of the students and public interest attorneys were able to attend this retreat because of scholarships they received from the generous Spirit Rock Scholarship Fund.

## THE LEADERSHIP

We welcomed the same meditation teachers as the 2003 law retreat, as well as the members of the Bay Area Working Group.

- **Norman Fischer**, a Zen Buddhist priest and former abbot of the San Francisco Zen Center, is the spiritual guide of the Bay Area Working Group.
- **Mary Mocine**, a Zen Buddhist priest who previously spent 18 years as an attorney.
- **James Baraz** is a founding Spirit Rock teacher and has helped lead day long retreats for lawyers.
- **Dennis Warren**, a Sacramento-based attorney who is also the guiding instructor at Sacramento Insight Meditation.
- The **Bay Area Working Group**, a group of 13 individuals who have been meeting since the 2003 retreat in order to pursue a deeper exploration into the connection of meditation practice and legal practice. The members include law professors, attorneys, a law student, a retired judge, a mediator, a documentary filmmaker, a former law school dean, a law school administrator, and a Zen priest.

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<sup>1</sup> This is a concept that goes beyond getting lawyers to meditate so they can "relax." It's about being able to see ideas that arise and pass in the mind. It's about being able to observe your visceral responses but not be controlled by them. It's about developing a way of thinking that is flexible and can embrace paradox. See attached sheet describing the Meditative Perspective.

## **THE PROGRAM**

### **Thursday**

After a noisy opening dinner, the retreatants gathered on Thursday evening in the spacious upper retreat hall. The retreat leadership initially offered some welcoming remarks. Charlie Halpern welcomed the participants and gave a brief history of the Law Program of the Center for Contemplative Mind in Society. Edith Politis described the planning process and placed our efforts in the context of other work in law and meditation. Douglas Chermak introduced the Working Group as well as our special guests—Len Riskin, Steeve Keeva (ABA Journalist), and Jack Himmelstein (Law Steering Committee member). Mary Mocine described her earlier work first as a lawyer and then as a Zen priest working with lawyers. Finally, Norman Fischer gave an overview of the weekend, described the use of silence, and gave a brief talk about meditation and its role in various wisdom traditions.

After the welcome, Gary Friedman facilitated introductions among all the participants. In just 25 minutes, everyone had an opportunity to state their name, mention their legal practice, and share two words that described their intention in coming to the retreat. It was a beautiful way to get acquainted. From the outset, the diversity in the room was apparent. The retreat featured a mix of solo practitioners; non-profit and public interest attorneys; small, medium and large firm attorneys; government lawyers; criminal defense attorneys and public defenders; mediators; law school professors and faculty; and students. The age range was also quite diverse, ranging from students in their mid-20s to Charlie Halpern, who had just turned 65 (congrats, Charlie!).

The evening then concluded with a yoga session led by Susan Jordan and a meditation led by Norman.

### **Friday Morning**

On Friday morning before breakfast, Charlie led a Qigong session, followed by a sitting meditation. After the meal, the participants gathered for the morning practice session, led by James Baraz. This session consisted of alternating 30-minute periods of sitting and walking meditation. Participants made wise use of the gorgeous Spirit Rock grounds to do their walking practice. During the middle of the session, James gave a talk on the “Power of Mindfulness,” where he spoke about four elements of mindfulness: 1) seeing things clearly or as they are (Vipassana); 2) learning to be here in the present moment; 3) the underlying nature of reality is change; and 4) being with what’s here without getting lost in judgments about how

things should be. He then entertained general questions about meditation practice. At the end of the morning session, James passed out raisins and led the group in an eating meditation.

## **Friday Afternoon**

After a hearty lunch and time for short walks in the hills, the retreatants reconvened for the afternoon discussion session. Following a sitting period, the Working Group got its first opportunity to present some of its findings on the meditative perspective. The plan was to use the afternoon sessions as places where the Working Group members could offer some of the wisdom its conversations had revealed to seed conversations among the retreatants in both smaller and larger group formats.

Norman first introduced the concept of the meditative perspective, observing that it's an outlook that arises as regular meditation practice spills into the rest of your life. The perspective is one that incorporates the four aforementioned components of mindfulness, which are foundational for developing a meditative perspective.

Edith next described some of the questions the meditative perspective invites in thinking about language and speech in the legal profession. She began by telling her story of coming to meditation practice—her inability to bring her authentic self into the practiced law led to a significant amount of pain driving her to explore meditation. In law, language is what we do. However, meditation leads us to realize that words cannot describe our whole experience. Moreover, we grapple with an adversarial system that emphasizes winning over truthfulness and we engage in agency relationships that add a level of complexity to our work. In reflecting about the meditative perspective and wise speech, Edith asked the group to consider how we can work in an adversarial system in a way that is non-harming and compassionate. Can we be truthful? Can we recognize the difference between persuasion and manipulation?

Gary Friedman concluded the introductory remarks with comments about listening and the meditative perspective. Since judges don't seem to reward great listeners, he asked why listen at all? We listen to understand. How do we get ourselves out of the way in order to hear somebody else? In trying to listen with an open mind and heart, screens and filters invariably get in the way. For example, lawyer screens give us legalistic frames that keep us narrowly focused, often missing important things, such as feelings. Your own screens may cause you to hear things as a confirmation of the way you know the world works, and not leave room for much else. Gary then offered a practice that Norman has taught to mediators and is quite applicable to anyone working in the law. Before you sit in your chair to work, can you take a moment to honor the chair you are sitting in and recognize the gravity of the problems that

people will bring to you? It's a sacred commitment to make an effort to truly listen. Finally, Gary noted the incredible power of meditation to influence conversations—the Working Group noticed a huge difference in its conversations when meditation was used before the discussions.

Before moving into the small groups, Gary led the retreat in an exercise in looping. Breaking into dyads, participants engaged in this active listening exercise where the goal was for the listener to demonstrate to the speaker that he had understood what the speaker had said.

Retreatants were asked to address the question: “What are the challenges for you [as a lawyer, student, teacher, mediator] in communicating with other people professionally?”

The retreatants then broke into small groups of 4-5 with a member of the retreat leadership facilitating each group. Participants addressed the same question, and utilized the following ground rules: 1) Each person speaks about theme without interruption; 2) Speak from personal experience; 3) Speak and listen from gut; and 4) Finish with statement: “And the connection to the theme is...”

The larger group reconvened for a group discussion facilitated by Norman and Gary. Originally planned as a discussion about language and listening, it immediately became evident that people wanted to talk about the pain associated with law practice. It was analogous to the first noble truth—after less than a day of sitting, the retreat members really got in touch with their suffering. One gentleman remarked that he identifies more as a lawyer than as a father, friend, or lover. One member spoke about feeling compelled to continue a certain type of law practice because his family was used to a certain style of living. Some participants spoke about problems that they couldn't feel authentic in their law practices, and felt largely isolated. One woman doing public interest law complained that she was not only making little money but also found the work unsatisfying. This level of sharing during the first large group discussion since the silence began was profound, and the painful collective experiences of the group was palpable.

The session ended with yoga led by Susan and a period of sitting meditation.

## **Friday Evening**

After dinner, the participants gathered again to practice some sitting and walking meditation. Dennis Warren then gave a talk about being a full-time meditator and a full-time lawyer. He challenged retreatants to find a way to have a deeper more satisfying life and a deeper more satisfying practice of law. He tackled the question of how you take an isolated practice like meditation and integrate it into a busy law practice. For Dennis, they've informed each other. The meditation practice affects the legal practice as it calms his mind, creates spaciousness, enhances problem solving, and helps him listen more deeply. In

short, he is a better lawyer because of the meditation. Alternatively, his law practice influences his meditation because it is the perfect opportunity to test everything about the meditation practice. The difficulties of practicing law present many challenges to an intention to remain mindful.

Dennis asked the group to ask themselves, “when was the last time I felt a sense of spontaneous joy in the way I’m practicing law?” He recommended everyone examine whether their conduct and speech point their minds towards clarity balance and peace or towards confusion and struggle and dissatisfaction. In each situation, you ask yourself how you can be skillful. This always starts with the compass pointing inward – what is your intention in every moment?

Dennis ended his talk with a reminder to try and see issues as not just legal issues but as *human* issues. He aptly finished with the Gandhi quote: “Be the change that you seek to see in the world.” The evening concluded with a 30-minute sitting period.

## **Saturday Morning**

The majority of the Saturday program mirrored the Friday program. Susan led yoga during the movement period before breakfast. Mary led the morning practice session. She gave a talk called “It’s Not About Me,” which focused on ego and its role in one’s law practice. She spoke about self-clinging. Lawyers often expect to be heard and may have an image of themselves as good people. She encouraged the retreatants to look beneath that image and to recognize the ego involvement. Can you recognize being attached to a fixed view? Having an inflated ego prevents the ability to see well, but meditation can remind you to breathe, notice what’s going on, be with it, and set it aside. Releasing your grip on ego attachment, observing it, and letting go can help you get to know yourself and your clinging. Then you may find more ease in your life and in your body.

During the walking meditation period following the talk, Mary offered an optional instructional session in which participants learned how to sit properly on a cushion without causing a lot of pain in the body.

## **Saturday Afternoon**

At the afternoon discussion session, the Working Group continued to share some of its wisdom as a seed for ensuing small and large group discussions. Charlie addressed the meditative perspective. The perspective includes qualities that emerge from meditation practice and it is cultivated and strengthened by the practice. He also spoke about the notion of a “meditative perspective muscle,” which is a muscle that

can be trained by sitting on the cushion. James added that this perspective gives us tools to listen to the wisdom that we know is already inside.

Judi Cohen next gave presentation on speed and time pressure. She noted how lawyers often rush around the office, move quickly to get to meetings, multi-task, and generally move too fast and avoid important signals—such as thirst! She acknowledged that all of our experiences are subjective, and that we experience speed at different levels. For some, it's addictive and we are afraid not to be busy all of the time. But does busy-ness make you a good lawyer? For many of us, moving too fast results in making mistakes. It causes us to block our empathic responses. After relating a litany of the negative consequences of speed and time pressure, Judi indicated that the meditative perspective can make us aware of our pace.

Susan Jordan then shared a perspective about isolation. She recounted how attending Working Group meetings has been the first time in 34 years that she can walk into a group of lawyers without feeling anxiety; on the contrary, she feels welcome, loved, and comfortable. Reflecting on her long career, she remarked that isolation is built in from the minute one starts law school. There is so much competition! Upon leaving law school and becoming a high-profile lawyer, she discovered that this too was very isolating. In fact, just as everybody gets colds, everybody feels isolated in one way or another. It doesn't matter whether you are a judge, student, professor, mediator, or an attorney. She concluded that it's very helpful to be part of a *sangha*—a group of people who are truly concerned with how you are feeling.

Doug next presented a student's perspective on isolation. He spoke about coming to law school with a meditation practice and being able to hold a meditative perspective throughout his legal education. He first spoke about the external forces of isolation, such as the formation of study groups, the Socratic method of teaching, searching for summer employment, and communicating with mentors. The meditative perspective helped him stay connected with his body and his breath in difficult times and it reminded him to appreciate the humanness of others. Helping form a meditation group at school was also very important in staying connected with a supportive community. He then spoke about internal choices that faced him as he progressed through school. During these challenging times, meditation practice was essential to help him maintain an ongoing connection with his core values and his deepest intentions.

Following these presentations, the retreatants had an opportunity for conversation in small groups. The question for the small group discussion sections was "How has /does /could the meditative perspective help you hold the issues of speed, time pressure, and isolation?" The participants used the same ground rules and stayed in the same groups.

The entire retreat then gathered for a group discussion, introduced by three Working Group members' perspectives. Karen Musalo began the conversation with some reflections on right livelihood. She reminded everyone of the advice she always gives to students: have faith in yourself and work towards what you believe in. Richard Boswell then offered some comments, noting that the cases used in law school involve human beings. These are people with real struggles and suffering, but this often gets lost in the mix. He praised the importance of law school clinics as being one of the places where law students get to interact with real people. Finally, Retired Judge Ron Greenberg shared his stories of utilizing meditation in his courtroom.

In the ensuing discussion, which James facilitated, participants began to share some of the ways they use meditation in conjunction with their law practices. It was a contrast with the previous day's discussion, which exposed a lot of pain. People began to share stories of the promise of integrating meditation with their chosen career path in the law. Bob Zeglovitch, a lawyer from Minnesota, shared his story of teaching meditation in his law firm—nearly a third of the 170-person firm had taken his 8-week class or had expressed interest. The experience allowed him to be more authentic in the workplace. Some participants said that despite experiencing pain, they believe they made a wonderful career choice—no one should be scared away from the profession. A widely held view that emerged was the importance of following one's heart. It is always possible to make a career change within the law. People also mentioned the importance of having like-minded friends.

Finally, one piece of this afternoon discussion is worth repeating. In the middle of the conversation, one woman mentioned that she feels compelled to continue doing lawyering that she does not love, but that she does it to support our family. No one really responded to her, and the conversation moved forward. However, Jack Himmelstein returned to her plight in making a closing comment. He said, "I don't think a choice to support your family is not following your heart." He reflected that there are many ways to follow your heart, from moment to moment. It was the perfect capitulation of an incredible conversation.

The afternoon ended with some qigong with Charlie and a 30-minute sitting meditation.

## **Saturday Evening**

After dinner, Len Riskin gave a short presentation on current happenings in the field of meditation and law. He spoke about the Initiative on Mindfulness in Law and Dispute Resolution (at University of Missouri-Columbia), the Law Program of the Center for Contemplative Mind, the Harvard Negotiation

Insight Initiative, the use of mindfulness in various law school courses, sitting groups at various law schools, and even the use of Transcendental Meditation in the St. Louis criminal court system!

James and Doug then helped facilitate a discussion in which they addressed several questions that participants had submitted throughout the retreat. Throughout the retreat, the large meditation bell in the retreat hall served a dual purpose as a receptacle for retreatant's questions. For example, James addressed the relationship between compassion as expressed by the Buddha and love as expressed by Christ. We also talked about right livelihood. Abigail Reyes, one of the students attending the retreat, shared her thoughts on right livelihood, relating her powerful story of losing a boyfriend to assassins while working with indigenous people in Colombia. She spoke of the importance of not engaging in any work that leads to killing. Her words certainly moved everyone in the room and spurred some deep inquiries into the nature of the work we do.

At the close of the evening session, those that wished moved to the dining hall for informal discussions. This was the first real opportunity since the silence began for folks to talk with each other in an unstructured format. Many connections were made between like-minded attorneys. In addition, some of the younger members took this opportunity to check their bar passage results, which were announced on the first day of the retreat. Everyone passed!

## **Sunday**

Sunday morning featured a breakfast where silence was optional. The Sunday morning closing session began with a talk by Norman about how to start a meditation practice and how one might integrate it with one's work.<sup>2</sup> He suggested various strategies one might employ to bring mindfulness to the workplace, and emphasized the importance of continuing meditation practice, attending retreats, and being part of a sangha. Norman acknowledged the importance of working hard in light of the fact that there is no quick fix to solve all of one's problems. He concluded his remarks with a thorough review of the meditative perspective.

A brief group discussion followed where participants continued sharing deeply about their hopes and aspirations for the futures of their individual law practices. It was clear that many had been touched by the past couple days. For instance, one attorney commented that he has had one foot out the door of legal practice, but that this retreat has renewed his faith. Others mentioned how they were inspired by the diversity of attendees—the knowledge that meditators exists in all realms of the legal profession.

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<sup>2</sup> A transcript of this talk is available.

Questions and thoughts about right livelihood continued to emerge. It is clear that this topic will be an important query in the intersection between law and meditation. There was a call for the retreatants to look broadly at the work in which we participate—to get past the superficiality and get in touch with the real challenges.

Dennis gave a short talk on re-entering into society after the retreat. He reminded everyone to avoid going on automatic pilot and reverting to old habits. One must constantly reflect on how to be mindful. The retreat ended with a closing session in which retreatants again shared two words to describe how they felt at the end of the retreat. The sense of peacefulness, joy, inspiration, and excitement shared in just two words from each participant signaled the overwhelming success of the retreat.

## **QUOTES FROM RETREATANTS**

The positive and glowing evaluations reflected the incredible power of this retreat for all who attended. Below are some select quotes from those evaluations:

- “As a law student, discussions helped me think more about what the profession is like—in a way that law school does never discuss.”
- “The discussions couldn’t have been more useful/relevant if I had made them up myself. I am grateful.”
- “I was inspired those who have practiced meditation and guided their law practices and life with meditation at the center. I am leaving the retreat believing that meditation is more than a stress-reduction tool, but a way of improving my life and those around me.”
- “I think the eating meditation training, after sitting, was amazing. It really brought everything together for me...the silence, the sitting, the raisin, and then silent lunch. I felt more present that afternoon than at any other point.”
- “The compassion and gentle-ness, and real-ness of the teachers. Not intimidating at all, and yet led us with strength and skill. Everyone was respectful and responsive to questions.”
- “Discussion groups allowed a deep connection with like-minded individuals and showed me new approaches to old problems.”

- “I was moved to tears many times because I had no idea that I wasn’t alone in my struggles as a lawyer. The discussions were invaluable and I’ll never forget them.”
- “So great – totally a new experience to speak with lawyers and legal professionals about the ways we feel about the work.”
- “Charlie’s description of the meditative perspective and the other talks by the lawyer-teachers were valuable, especially in describing the specific application of the MP to their lives and practices.”
- “The informal discussions were helpful in making human contact with the other participants. Saturday night’s discussion ended on a deep and touching note.”