

Report on the Contemplative Law Program and the Yale Law Contemplative Practice Retreat

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Preface

It seems an unlikely idea - offering law students and faculty the opportunity to get together for five days, with most of the time spent in silence, with most of the instruction and discussion focusing on how to benefit, personally and professionally, from silent meditation. What could be more remote from legal education or from the work of lawyers? After all, lawyers live in a world of words, confrontation, and action. Law school training focuses heavily on analytical skill, quick verbal response, and scrupulous attention to text. The sources of knowledge are external - written opinions, statutes, regulations - and a lawyer's work is largely focused on achieving results in the outside world, whereas meditation is an internal exploration that leads beyond the confines of ordinary thinking.

Nonetheless, the first meditation retreat for Yale law students has proved to be a fascinating and potentially significant innovation. With the guidance and support of the Center for Contemplative Mind in Society Professor Robert Burt of the Yale Law School assembled a group of law teachers, meditation teachers, and lawyers with a long-term meditation practice to come together with a group of Yale law students in a retreat focusing on the inner life. They found that meditation appears to be directly relevant to what lawyers do, the skills they need, and the way they live their lives.

First, meditation is of significant benefit in reducing stress, in finding an island of inner stillness which provides an important respite from the frenetic activities that often characterize the lawyer's and the law student's days. I began my own meditation practice when I assumed the deanship of a new law school, the City University of New York Law School. Battered by the stresses of designing a new curriculum, building a faculty recruiting students, placating legislators, and renovating a physical facility I was rescued by a friend's advice that I try meditation. The simple expedient of starting each day with twenty minutes in silence, attending to my breath and watching my thoughts pass, helped me through turbulent days allowing me to navigate through the strong tides and currents.

Second, meditation opens a space of inwardness for people who are constantly being drawn outward. It affirms the value of taking time alone in silence, away from pressures to accomplish a task. The path that leads one into the student body at an elite law school is one on which the inner life is too often slighted. The practice of law, with ever-increasing demands on the lawyer's time, exacerbates the problem. The practice of meditation can provide an antidote and a balance.

Third, in the quiet space created by meditation practice, there is a place for wisdom and compassion to grow. Law study places a great premium on intellectual agility, on an ability to analyze complex facts, and on abstract reasoning. In the cultivation of those critical skills, too often students and lawyers lose track of the concerns that initially made them venture into law and of their commitment to building a more just society. In the meditative silence, these values can reassert themselves, and the possibility of growing in wisdom becomes apparent.

The Center for Contemplative Mind in Society, which facilitated the Yale program, has undertaken to bring the benefits of contemplative practice into a variety of contemporary institutions. Meditation has deep roots in Buddhist, Christian, Jewish and other cultures. In the west, many traditions of meditation have remained buried in recent centuries; some of them are being rediscovered and reinvigorated today. With the support of the Center, the American Council of Learned Societies has instituted a fellowship program in contemplative practice - probably the first since the Renaissance - for academics in diverse disciplines to incorporate meditative practices and study into academic curriculum. Courses have been offered at more than 50 colleges and universities around the country in subjects as diverse as comparative literature, history, environmental studies, and architecture. One course, integrating meditation into a clinical advocacy course, has been successfully offered at Suffolk Law School. (For more information about the ACLS fellowship program, visit the ACLS web site: www.acls.org.)

The Yale Law School and Dean Tony Kronman are to be commended for stepping forward to offer Yale students and faculty the opportunity to explore meditation as an element of legal training. The following report does not offer any conclusive evaluation or road map for the future. It does suggest, however, that this ancient wisdom tradition could play an important part in revitalizing legal education and practice and enriching the lives of those who study and practice law.

-Charles R. Halpern
(Former) President, The Nathan Cummings Foundation

The Contemplative Law Program

Attention is paramount in the life of the law-attention to details; to legal, ethical and moral principles, and to the hearts and minds of clients, colleagues, judges, and juries. The Law Program of the Center for Contemplative Mind in Society explores the relationship of contemplative practice, which fosters and encourages attention to the present moment, to the life of the law. The Law Program seeks to engage law students, legal academics, and others in the law in a meaningful and passionate exploration of the role of contemplative practice in contemporary legal practice and legal education.

To explore the nexus between contemplative practices and the life of the law, the Law Program hosts retreats, conducts research, and acts as a national clearinghouse for pertinent information and activities.

The Law Program hosted the Yale Law School Retreat in October 1998. Twenty students met for five days of instruction in meditation and yoga, coupled with informal, interactive discussions and exercises on law-related themes. In light of the success of this retreat, the Law Program will host a second annual Yale Law Retreat in October 1999. The Center is also actively encouraging law school professors to develop relevant course offerings and curricula, in law school clinics and classrooms, linking contemplative practice to the law.

The Center is considering hosting similar retreats for other law schools around the country, as well as law retreats for judges, practicing attorneys, mediators, and other legal professionals. One-day workshops, lecture-presentations, "mini-retreats," and programs designed for private law firms are also under consideration.

The Center is committed to examining and developing the theoretical and intellectual underpinnings of the relationship of contemplative practice to the life of the law. Toward that end, the Law Program

will conduct research on the application of contemplative practice to current legal theory. This research will seek to establish a more comprehensive understanding of the benefits of contemplative practice in the practice, study, and understanding of the law. The Program also serves as a national clearinghouse for related information and activities, and strives to play a positive and supportive role in the dynamic unfolding of interest in the deep wisdom of contemplative practices and the complex demands of the law in contemporary society.

Background of the Yale Law Contemplative Practice Retreat

The practice of law traditionally emphasizes critical analysis, communication, and competitive advantage. Traditional legal training, and particularly much classroom and clinical teaching, provide students with the relevant skills to master these tasks. There is less emphasis on the personal perceptions, understandings, motivations, inspirations, and truths that inform the practice of law. Similarly there is limited opportunity to teach, practice, and integrate the skills necessary to conduct this inquiry.

The contemplative practice taught in this retreat comes from a 2500-year tradition of meditative awareness that involves non-judgmental observation of the mind-body process. It fosters a deep understanding of the power of the mind to clearly perceive (or cleverly avoid) actual experience as well as a growing awareness of the multilayered richness of life.

Increasingly accepted and applied in the West in recent years, contemplative practice can serve many functions, from a method of stress reduction to an avenue for a greater awareness of the interconnectedness of all life. When these two different traditions are contrasted, the contemplative perspective can inform legal study and practice in ways that expand and enrich both. The retreat was designed to explore this contrast through such issues as the meaning of freedom, the value of listening, the power and limitations of reason and strategic thinking, the limits of winning, and the interplay of separation and interconnection. Contemplative practice was introduced to allow the participants to take a step back to a larger context and a larger sense of self where a mindful awareness can be brought to bear on what we do and who we are.

The retreat was also designed to provide students and faculty with an opportunity to explore their deepest sense of personal calling to the profession. The retreat balanced contemplative practice with challenging discussions of several broad legal themes, in order to encourage a searching inquiry into the potential of law and the opportunities for lawyers to serve the community.

The retreat was an exploration and an inquiry. Since there were few examples and no proven models for introducing these concepts and experiences into a law school program, the focus, format, and elements of this retreat evolved during the retreat, based upon the learning generated in each session. In the truest sense, it was a shared undertaking constructed to create new knowledge that might be integrated into academic programs.

The Center for Contemplative Mind in Society

The Center for Contemplative Mind in Society has been exploring the uses and benefits of contemplative practice in diverse settings in American life. Experience in a range of fields indicates that contemplative practice could have beneficial effects in the domain of law, including deep relaxation and stress

reduction, increased ability to concentrate and learn, improved creativity and problem solving, the development of factors of emotional intelligence, and a deepening capacity for insight and transformation.

For the past two years, the Center for Contemplative Mind in Society has sponsored a series of projects, meetings, and retreats exploring the uses of the contemplative practices that were offered at the Yale retreat. The following are most relevant to the Yale program:

1. A series of retreats for The Green Group, the CEOs of 25 national environmental organizations (most were lawyers), after which they reported more effective work and group interaction on the Clean Air Bill, which passed successfully, and motivation to revision the environmental movement for the next century.
2. The Contemplative Practice Fellowships Program, in collaboration with the American Council of Learned Societies, which awards fellowships for the development of courses and teaching materials that explore contemplative practice from a variety of disciplinary and interdisciplinary perspectives. Two of these fellows are in law schools.
3. Contemplative meetings for presidents and directors of major foundations, many of whom were trained as lawyers, to renew themselves personally and to reflect on the changing role of philanthropy in America.
4. A series of retreats for corporate executives and the development of a corporatewide program for Monsanto.
5. The Yale retreat was held at the Trinity Conference Center in West Cornwall, Connecticut, which is a two-hour drive from New Haven. The Center offers a quiet environment conducive to contemplative practice and study in a picturesque rural setting. It is convenient to New Haven, yet sufficiently isolated to facilitate a clear separation from campus life and demands.

Sponsors and Costs

Funding from the Fetzer Institute and the Nathan Cummings Foundation allowed all students and faculty to attend without expense. The retreat was coordinated without charge to Yale by the Center for Contemplative Mind in Society.

Structure of the Retreat

The retreat included three basic elements: (1) formal training in contemplative practice, including sitting and walking meditation, movement, and expressive arts; (2) focused discussion on several legal themes, designed to integrate the experience of contemplative practice with the practice of law; and (3) open dialogue to exchange views and experiences on the nature and benefit of contemplative practice as it affects the legal profession.

Each day of the retreat included all three elements, but focused on a different legal theme, in order to allow the fullest exploration possible, in the time available, of some of the deeper questions confronting the legal profession and the academy.

The Contemplative Practices

Contemplative practice allows one to awaken and develop natural compassion and awareness. Several forms and approaches of this practice were offered at the retreat.

Meditation involves a deep listening, with sensitivity and kindness, to the body, heart, and mind, and then extends this careful attention to the world around us. Insight meditation is the moment-to-moment observation, without Judgment, of the mind/body process through calm and focused awareness. It encourages an examination of who we are, our view of the world and our place in it. Increased awareness of the inner life gives us more freedom of choice and allows us to be less controlled by spontaneously arising thoughts and emotions. A process that increases our ability to listen deeply to ourselves, meditation also develops our ability to listen more deeply to others. Insight meditation is practiced through sitting and walking. Basic instruction and guided sessions were provided for both of these forms of meditation.

Yoga is designed to foster attention to and coordination of the body's natural abilities. It develops both strength and flexibility and through a unified experience of the body cultivates a mindful awareness that complements the meditation practice. It also helped students sit for longer periods of meditation without moving.

Legal/Contemplative Themes

The retreat was structured around several themes that incorporate common legal issues, skills, or activities. These themes were selected because each also reflects critical contemplative issues. The retreat explored each theme from both the traditional legal view and the contemplative perspective, and investigated the tension and possible resolution of these approaches.

The inquiry into each theme involved a blend of facilitated discussion and interactive exercises. While there are many themes that deserve consideration, the ones selected were these:

Listening

The most basic of aspect of the attorney-client relationship involves listening to and respecting the client's preferences. Lawyers often listen to clients through the denning lens of what they consider legally or strategically relevant, and thus may fail to really hear what is being communicated.

Similarly, the fundamental quality of contemplative practice is to listen. Learning to listen and to hear what is truly being expressed is a skill lawyers must develop. Contemplative practice offers a new and powerful means to improve the attorney's relationship with his or her client.

Winning and Non-Winning

Lawyers are trained to win, to believe that winning is a higher goal, and that the experience of winning is highly satisfying. Conversely, losing arguments, trials, cases, or claims is embarrassing and devalued. The lawyer's exclusive and narrow focus on winning ironically can adversely impact the client, because the lawyer's definition of success may require the client to remain engaged in a battle that does not serve the client's broader interests. With both opposing lawyers committed to "winning," it is likely that at least one side and often both will lose. The cost is not just measured in the quality of lawyering but also in the quality of lawyer's lives, where deeper values become displaced and distorted in the conditioning to win. Contemplative perspective neither prizes winning nor shuns it. Instead, it sees such experiences as illusory and temporal and trains the mind to honor and accept both experiences with equanimity. Losing gracefully, like winning gracefully, requires a subtly trained mind. The discussion of this theme investigated this perspective in adjudication and trial/appellate practice.

Action and Non-Action

Western models, like western movies, assume that action is the primary intervention for generating desired outcomes. Eastern models, such as movement and martial arts, assume the converse. Exploring the possibilities of combining each offers attorneys the opportunity to develop creative approaches to problem solving as well as to learn the art of timing and patience in acting. Moral choice can be implicated in what we do and what we choose not to do, as well as how our actions and nonactions impact on others and on ourselves. This fundamental question of human responsibility and moral choice was explored.

Separation and Connection

A distinct element in Anglo-American law involves separation: of the individual, his defined property, and his rights and interests. Contemplative practice reveals the essential interconnectedness of people, their environment, and their actions. Exploring alternative possibilities of social connectedness through contemplative practice and applying this understanding to the lawyering process offered students and practitioners an innovative perspective on the profession. American cultural and legal attitudes toward death have been shifting over the last few decades, moving from a perspective of denial and isolation of the event and of the individual who is dying, to one of acceptance and inclusion within the larger community. The discussion of the theme of separation and connection focused on this important area for law.

Report on the Yale Law Contemplative Practice Retreat

On a warm Indian Summer weekend in late October, against a backdrop of fading red and yellow Fall leaves, a group of Yale law students and faculty gathered at the Trinity Conference Center for a five-day retreat on law and contemplative practice.

The purpose of the retreat was to introduce students and faculty to contemplative practice and explore ways in which it can enrich legal practice and scholarship. While some of the students had previously been exposed to contemplative practices, for many this was their first experience. Those familiar with contemplative practice had eagerly seized the opportunity to attend the retreat, whereas some who were unfamiliar with contemplative practice arrived with trepidation. One student commented, "I didn't really know what it was about. I had a vague general expectation that something was going to happen. I knew that I was going to learn or experience something different. It's like when you are a kid and your parents take you for the first time to a movie theatre. You expect something." Another student was unsure of the accommodations, "I didn't know if this was going to be outside in the woods with five people around a fire. I was absolutely shocked by how beautiful the place was."

Students and faculty spent the next five days learning yoga and Vipassana meditative practice interspersed with animated discussions of how contemplation can inform the study and practice of law. The retreat proved to be a meaningful experience for both the students and faculty who attended and the teachers and planners who were responsible for the retreat. Many left with a feeling of having participated in a special event which provided a relaxing respite from the ever escalating demands of their lives and provided them with a view of a different way of being in the world.

What follows is the story of the retreat, from its beginning as an idea in the minds of the planners to the deeply enriching experience that it became for all who were involved.

The Vision

The retreat was the brainchild of a small group of meditators and lawyers working in conjunction with The Center for Contemplative Mind in Society. Their vision was multi-leveled.

On an intellectual level, the retreat was envisioned as a way of providing students and faculty with a tool for understanding the mind in its fullest sense. Unlike the Western conception of mind, which primarily limits mind to the faculty of knowing, the Buddhist conception of mind refers to consciousness in its broadest sense. Through the meditative process of paying careful attention to each moment, the student discovers awareness itself. And although meditation is not thinking, it can be a clear awareness of the process of thinking. Moreover, as part of this expansion of awareness, a deep appreciation of the interconnectedness of all of life emerges. Thus, an underlying goal of the retreat was to teach students and faculty a practice that would provide them with a glimpse of an alternative way of apprehending reality and connecting with themselves and the world.

On a more personal level, the retreat was envisioned as providing a safe place from which students and faculty would learn about the value of silence and introspection and begin to connect to their own internal compasses. It would provide an opportunity for faculty and students to shed their personal and professional personas as members of the Yale law community, and directly experience the true essence of their beings. By students and faculty coming into contact with their selves on a more authentic level, it was hoped that an atmosphere would be created in which they would feel more comfortable sharing their hopes and beliefs with each other.

On a professional level, the retreat was envisioned as a way to introduce students and faculty to an alternative model for practicing law. Legal education promotes a traditional rational paradigm that presumes that truth and justice can be reached through reasoning. A contemplative paradigm, in contrast, envisions a path to truth and justice that arises from a process of awareness that is not based on thinking and processing external reality in a systematic way. Through the practice of meditation, wisdom arises intuitively and spontaneously from silent awareness and is informed by the discursive level of mind.

Most important, however, those involved wanted to share the gifts of silence and meditative practice with others in the legal profession. All of those involved in planning the retreat believe that the practice of meditation and the incorporation of moments of silence into their lives has enhanced the quality of their personal and professional lives. From this perspective, they wanted to provide others in the legal profession with a special gift.

Planning the Retreat

The planners viewed the retreat as a novel experiment in legal education. While the benefits of meditative practices are slowly beginning to be recognized within the West, to many Americans, meditation remains a mysterious and somewhat suspect practice. Moreover, the planners were apprehensive that law schools, with their emphasis on argument and critical reasoning as paths to justice and truth, might not be receptive to the idea of a retreat focusing on meditation and law. Suggesting that meditative practice can positively inform the practice of law might be viewed with skepticism. Finally, the planners wondered whether it would be possible to weave together the practices of law and meditation for students and faculty in a meaningful manner. On the surface, law and meditation appear to have little in common. One advocates reasoning and verbal exchange as vehicles

for understanding and making sense out of the world. The other focuses on moving beyond cognitive processes to a place in which insight is obtained by quietly and non-judgmentally observing the mind and body. Integrating these two disparate approaches represented a challenge for the planners.

With these underlying questions in mind, the planners were faced with the problem of Grafting a retreat that would appeal to law students and faculty and yet fully communicate the contemplative perspective. A key issue was the appropriate balance of meditation and silence and discussion of legal issues. Some of the planners believed that transporting students and faculty into an environment of exclusively meditation and silence would be too dramatic for a group who thrived on verbal exchange. Others believed that immersing students and faculty completely in the practice would help them more clearly understand and appreciate how contemplative practice can provide an alternative method to the predominant way in which law is practiced.

After extensive discussion, the final program for the retreat consisted of a mix of meditation, yoga, silence, and discussion of themes that focused on making more conscious the intellectual and behavioral biases that underlie the practice of law. The meditation practice was to be taught by Joseph Goldstein, a well-known teacher of meditation. The yoga was to be taught by Sunanda Markus who has studied yoga for many years. Members of the planning committee, many of whom were both lawyers and meditators, would conduct sessions on the nexus between contemplative practice and the law.

The Teachers

JOSEPH GOLDSTEIN has taught Buddhist Vipassana meditation for twenty-five years. Prior to becoming a teacher, he studied meditation in India for seven years. While honoring the 2500-year tradition of meditative practice associated with Buddhism, Joseph teaches a form of meditative practice that can be practiced independently and in harmony with an individual's existing religious practice. He is the author of a number of books on meditative practice including *Insight Meditation: the Practice of Freedom*; *The Experience of Insight: A Simple and Direct Guide to Buddhist Meditation*; and *Seeking the Heart of Wisdom: The Path of Insight Meditation*. In 1976, he co-founded the Insight Meditation Center in Barre, Massachusetts, a retreat center for intensive meditation practice. Joseph's mix of inner calm and quiet humor created a safe and reassuring environment for students and faculty to venture forth into the practice of meditation. His personal style paired with his extensive knowledge of Buddhist practices and ability to participate in philosophical discourse was ideal for law students and faculty trained in critical analysis.

MIRABAI BUSH led discussion sessions. She is the founder and Director of the Center for Contemplative Mind in Society. The purpose of the Center is to promote contemplative awareness in contemporary life by offering retreats and contemplative meetings in key sectors of mainstream life, including business, higher education, media, environmental protection and youth development. Drawing on her extensive study of meditation in both Asia and the United States, Mirabai has organized and taught workshops and courses on spirit and action for over 30 years. She has also done five years of intensive practice in Iyengar yoga and five years of Aikido.

As well as experience in planning, Mirabai brought kindness and compassion to the retreat. She created a safe space from which students, faculty, and teachers could jointly explore meditation and the contemplative perspective. Throughout the retreat she freely shared her special wisdom with students and faculty both in the large discussion sessions and in informal moments.

STEVEN SCHWARTZ led discussion sessions. Steven practices public interest law at The Center for Public Representation in Northampton, Massachusetts and teaches disability law at Harvard University and other law schools in the Boston area. He first learned contemplative practice in India in 1971 and practices daily. Since his first job as an attorney, he has incorporated the contemplative perspective into his practice of law.

Throughout the retreat Steven shared with students and faculty compelling examples of how he has incorporated the contemplative paradigm into his practice of law. In this capacity, he served as an important role model for students.

JACK HIMMELSTEIN led discussion sessions and conducted an active listening exercise with the group. Jack taught psychiatry and law at Columbia University Law School. He is the founder of the Center for Mediation in Law and teaches mediation practice to lawyers from around the world. Jack has practiced Vipassana meditation for over 20 years and his work in mediation, in part, grew out of his experiences with meditation.

Through his work in mediation, Jack has a deep understanding of how contemplative practice can affect our interactions with others, particularly in areas of interpersonal conflict. This understanding provided a valuable perspective in the discussion sessions. His active listening exercises made participants aware of how little we listen to each other and provided participants with techniques for listening more deeply.

SUNANDA MARKUS taught yoga. She has been meditating since 1972 when she took her first course in meditation in India with the Theravadan Buddhist Vipassana teacher S. N. Goenka. In the past three years, she has begun studying Dzogchen meditation with a Tibetan teacher, Tsoknye Rinpoche. She began studying hatha yoga intensively eight years ago. She is the coordinator for the Contemplative Practice Fellowship Program and teaches yoga at the Center's meetings and retreats. Sunanda helped many students and faculty acquire a special appreciation for the value of yoga as a technique for both relaxing and balancing the body and preparing the body for the sitting component of meditative practice. Her patience and caring attitude helped many overcome their body's complaints and discover the power of yoga and its potential as a life-long practice.

ROBERT BURT (Bo) led small discussion groups and conducted an exercise on death and dying. He teaches constitutional law, law and medicine, disability law, and family law at Yale Law School. He has written extensively on issues related to biomedical ethics and constitutional law. He is currently writing a book entitled *A Man Going Round Taking Names: The Administration of Death in American Law*.

Bo provided an important bridge for students between the worlds of legal education and contemplative practice. While unfamiliar with meditative practice prior to the retreat, Bo's openness to learning about ways in which the contemplative perspective might inform the practice of law served to encourage and reassure students in their explorations of meditative practice.

The Students

The students attending the retreat included first, second, and third year law students and doctoral students. Two doctoral students from disciplines other than law also attended. The students were a diverse group in terms of culture and experience. Prior to attending law school many had traveled and studied abroad and some had worked in public interest jobs.

Their knowledge of meditative practice ranged. One student had been practicing Zen meditation for 13 years. Others had practiced some meditation or had family members who had practiced meditation. In contrast, others knew little about meditation. For them, the retreat was an expedition into a new world.

The students' reasons for attending were also varied. Many saw it as an opportunity to escape from the stresses of law school and introduce some calm and balance into their lives. The frenzied environment of the law school often leads students to lose contact with their goals and dreams.

"The beginning of the year was stressful in various ways. There were all these little pressures coming from all sides. I felt that I was losing myself a bit in the middle of all the stress and the pressures. I didn't have much time to myself, just to think about what I was doing and what my goals were, to make sure that I was staying on the path that I wanted to be on. I thought that the retreat sounded like a good chance to just sit and think and get grounded again."

Those who had a long-term interest in contemplative practice viewed the retreat as an opportunity to explore this interest in greater depth. Some simply saw the retreat as a place where they could get to know their classmates better.

The Setting

The retreat was held at the Trinity Conference Center in West Cornwall, Connecticut in the Berkshire foothills. The 500 acres of wooded grounds provided a tranquil country setting removed from the hustle and bustle of legal discourse. There were winding trails to walk along the Housatonic River and in hills surrounding the Center's nineteenth-century farmhouse. The Center itself provided a quiet warm comfortable home for the retreat. The dining area was bright and sunny, and the food was excellent with a wide array of choices and tastes.

The Retreat Program

The retreat began on Friday evening at dinner and ended on Tuesday afternoon. The first evening focused on introducing participants to meditative practice.

On the following three days, participants greeted each morning with yoga. They gathered in the conference room at 7 am and spent half an hour gingerly stretching their bodies into a series of yoga postures under the careful guidance of Sunanda Markus. Since many of the group had never practiced yoga before, Sunanda was particularly attentive to making sure that people executed the postures in the correct manner and did not stress their bodies.

Yoga was followed by a half-hour of Vipassana meditation practice. Sitting on cushions or chairs, the group learned how to focus on their breath and on sounds in their environment. Throughout the meditation, Joseph Goldstein would give quiet instructions designed to lead participants into deeper states of awareness and to help them become more observant of their thoughts and emotions from a non-judgmental vantage point.

After the sitting meditation, the group would adjourn for breakfast. They then returned to the conference room for another half-hour of sitting meditation. This was followed by a walking meditation. In walking meditation, a meditative state is entered through fully experiencing the physical process of walking. Because the weather was so lovely, many of the group would slowly walk back and forth

outside next to the river or on the grassy areas surrounding the Center.

After the walking meditation, there was another sitting meditation, followed by a discussion of the practice and a question and answer period. The group typically broke for lunch around noon. Since the next session was not until 2 pm, people often went for hikes in the surrounding woods and hills after lunch.

In the afternoon, the group would gather for a discussion session that focused on a particular behavioral or intellectual orientation that affects the way that law is practiced and on how alternative approaches might also be effective. The first day's theme was listening. It began with an exercise in "active listening" followed by a discussion of the role of listening in legal practice and the frequent failure of lawyers to truly listen to their clients and others. During this discussion, students were struck by the fact that they often used the adversarial listening styles that they had learned in law school in their personal lives. Instead of listening to friends and family with the intent of hearing what they were trying to say, they were listening for weaknesses in the discourse, which they could then attack.

The second day's theme was action versus non-action. This theme introduced the idea that stepping back from situations and exercising patience, restraint and timing might sometimes be a more useful response than aggressively confronting situations. The third day's theme was winning and non-winning. This theme raised the issue that the outcome that one unconsciously associates with winning may not be the outcome that is most important to a client. The final day's theme was separation and connection. It explored how the law's individualistic bias encourages us to see others as separate rather than connected to us. This lack of a sense of interconnection with others makes it difficult to truly feel compassion for others.

Typically, a discussion session would begin with an introduction of the day's theme by one of the teachers. Often the teachers would share special insights and personal experiences that related to the theme. Following the discussion session with the full group, participants broke into assigned small groups in which they discussed the issues in a more intimate setting.

The afternoon ended with another yoga session and then another half-hour meditation. After dinner there was a group discussion followed by a final meditation.

Some of the meditation sessions included special exercises designed to heighten participants' awareness of special facets of consciousness. For example, one session focused on eating and how we can bring more awareness to the act of eating. Each person was given one grape and instructed to carefully examine it before eating it. They were told to look at its shape and color and how it felt in their hands and then to slowly eat the grape, pausing to let the succulent flavor linger on their taste buds after each bite. A loving-kindness meditation focused on participants' interconnection with others. It began with each person directing love to her- or himself, and then to someone for whom they felt a deep uncomplicated love. After meditating on this love, they expanded it to everyone in the room. The final stage involved extending this love to all beings everywhere.

On the final day of the retreat, Bo Burt led the group in an exercise on death and dying, which many participants found deeply moving. In the exercise, participants in small groups were asked to share with others what they would like to do before they died. As they shared desires like falling in love, having children, leaving a legacy, visiting sacred places, and making a social contribution, Bo, as the "Grim Reaper," randomly called off the months of the year. When one's birthday month was called,

she or he "died" and left the circle, whether or not they had finished sharing their dreams. After all were "dead," the participants shared their experiences, which brought death remarkably close and reinforced the importance of being fully present in life.

The mornings at the retreat were spent in silence, with the exception of the question and answer period following meditation. Both breakfast and lunch were eaten in silence. Participants were encouraged to fully experience each moment by slowly chewing their food and becoming engaged with their food on all sensory levels.

Participants also enjoyed some unstructured time. During these periods they created their own activities. Many hiked the trails around the Center. A small group played non-competitive monopoly and another experimented with doing a puzzle in silence:

"One evening a group of us finds a 500-piece jigsaw puzzle of Van Gogh's 'Irises.' We talk and get in each other's way and fit together only the easiest corner. The next day, we come back and work on the puzzle in silence. With fewer movements and in less time, we reconstruct difficult violet petals and green leaves. Afterward, we remark on how aware we were of each other's hands and movements and how we could see the shape of one piece mirrored in its mate across the table. This is how lawyers ideally might work together by harmonizing rather than jockeying for position, by building each other's strengths. It makes me wonder how we could reintroduce speech without losing what we gained from the quiet."

- Emily Bazelon, "Insights into the 'Practice,'" Washington Post

STUDENTS' RESPONSES TO THE RETREAT

Students' responses to the retreat were overwhelmingly positive. While each student experienced the retreat from his or her own vantage point, all returned to law school refreshed and renewed.

THE PRACTICE

Instructions for the meditation practice are in [Appendix 1](#). The planners of the retreat wanted to teach students a practice that could bring more balance to their lives and provide them with a tool for reducing the daily stresses that bombard them at law school. A key issue during the planning of the retreat had been how much sitting students would be asked to do. As expected, students struggled with the sitting meditation, but most were able to appreciate its value. One student commented,

"The meditation was the most valuable time for me even though it was difficult. I think that from the beginning when I first began to take the meditation and breathing seriously, I began to sense a path to mindfulness that was really exceptional."

Another student recognized the difficulty as part of the process,

"I like the sitting. It's hard to sit. I think the difficulty is part of the point. I wouldn't necessarily have realized that before I started, but I like the discipline of it. I felt like it was a challenge."

At least one student became so engaged with the intellectual dialogue that unfolded during the course of the retreat that it was hard to stop and enter the silent world of meditation.

"I found all of the meditation frustrating and difficult. In the beginning and the end, I spent a lot of time battling thoughts, trying not to get lost in thought. Part of it was that the retreat raised very seductive or interesting thoughts. There were lots of things that I wanted to talk about with

people. So often the meditation felt like time out from talking about the exciting things that I was thinking about. Therefore, the desire to use the meditation time to just think about these things got stronger and stronger."

SILENCE

For law students who live in a world that centers on verbal exchange, being silent in a social group was a novel experience. They found sitting in groups of four at a small table and eating in silence to be particularly unusual.

"The eating in silence was very dramatic. I really enjoyed it. It led to some personal insights about the social phenomena of eating and being together."

As with the sitting meditation, although most felt it was a very valuable experience, some had mixed feelings about the silence.

"I thought that eating breakfast in silence was good but I was sorry to lose the lunch to silence because one of the most exciting aspects for the retreat for me was the interaction with other people."

"The amount of time we spent in silence was pushing the limits. I really was crawling out of my skin. Especially during meals, it was hard."

STRESS REDUCTION

Law school is filled with stress. Performance expectations are high, and students avidly compete for clerkships and other honors. Many students stated that they chose to attend the retreat because of the stress that they were currently experiencing and the lack of balance and perspective in their lives. At the retreat, many learned techniques which they have found to be useful during periods of stress.

"I used to have trouble settling myself. I used to be so crazed that I would just get in my car and drive around and stop at stores. I couldn't settle myself. Now, when I feel myself going nuts, I center myself."

"When stressful things start piling up, I kind of stop and take a minute every once in a while to just sit and get grounded."

PERSONAL AWARENESS

Meditation is a process of entering "inner space." While others may be in the room, the focus is internal. Despite the endless distractions created by the mind, there is ultimately no escape. One of the goals of the planners was to provide a safe place in which students could connect with a deeper sense of themselves.

At the retreat some students were able to peel away some of the external trappings of self and become more in touch with who they were.

"I had a fundamentally different experience of my being. It was enriching because I got to know something that was with me a long time but that I never really had time to stop and look at. For example, I realized that my thoughts or the stream of my consciousness are not an intrinsic part of my being. Therefore, I can detach from that stream of consciousness and have more control over it, or more knowledge of it, or I can just observe how things develop. I was able to taste that. I did not master this course because it probably takes many years to do."

For students struggling with career decisions, this ability to experience themselves on a deeper level helped clarify what was important to them professionally.

"I think that it gave me a better sense that in the long run I'm not going to choose to work for a law firm. I don't think that I would have anyway but it was grounding to reconnect with a part of myself that's sure about that, and that knows what I want to do, and what I like doing best."

Increasing personal awareness also helped students become less judgmental of themselves and less concerned about other people's opinions.

"When I arrived at the retreat, I was a bit socially anxious. I hoped that I would have a good time and make some friends. I was very aware of what other people said or what I perceived that they thought about me. It is a general self-consciousness that I have. During the course of the retreat by spending so much time alone and in silence and focusing on myself, it mattered less to me what other people thought. I felt able to be somewhat content just on my own. I've tried to preserve it. Now it comes and goes but I do generally feel more content with myself than I have in a long time."

STEPPING BACK

A goal of the planners was to provide students with the experience of mindfulness and the clarity of vision that it provides. Mind as defined in Eastern cultures refers to much more than simply one's cognitive processes. It encompasses one's entire consciousness. Cultivating mindfulness involves being able to step back and take a panoramic view of one's thoughts, emotions, and bodily sensations, as well as the external reality within which one functions.

Students found that contemplative practice provided them with a technique for stepping back and observing rather than simply reacting to their lives.

"We go through so much of our lives doing things that we don't think about, just reflexes really. I catch myself doing that all the time. It's disturbing how much of your life you live without really thinking. Contemplative practice makes an effort to break the stimulus-response patterns that have been ingrained in us since we were born. It involves learning to step back and notice your reactions."

Others have found that they are now better able to observe and understand their emotions rather than being victims of them.

"One of the benefits of this kind of meditation for me, one of the reasons that I found it useful is that it gives you a healthy sense of distance from events that happen around you. It's emotionally unhealthy and grating to be right on the edge of your experience all the time. I think that a lot of people go through life letting events around them control them and their emotions. This meditation trains you to get in a state of mind where you can step back a little bit from it. One of the main things that I learned was how to work on stepping back a little bit, not how to perfect it."

"I have more awareness. I feel now that I'm better able to acknowledge feelings of irritation and anger and let them go. If I get annoyed with another person and they are not doing anything-

I'm just annoyed for no reason, I realize that it's a feeling that I'm having. It's not because the other person is a bad person or that they are doing something wrong. It's just that I'm having this irritation. By looking at the feeling, I don't have it anymore."

Some students were able to retain elements of mindfulness and apply it to situations that occurred after returning to law school.

"Something very interesting happened after I got back. Somebody thought that I had done something that I had not. He was quite upset with me and unable to listen to what I was saying. Subsequently, he treated me quite poorly and did some things that were pretty outrageous. I was able to really step back from my anger. I applied some of the calming techniques and sat about it for a little bit. Suddenly, I was able to be very open and personal with him. I was able to look at the situation and pretend to be him, not just putting myself in his situation but actually pretending to embrace some of his qualities of character that are different from me. I asked, 'How would I react in that situation?' So I struggled to understand his feelings as well as my own feelings. It really helped and it had a good resolution. It took him a while to get to a good state, but he did."

CONNECTION

One of the results of contemplative practice and the development of mindfulness is an increasing awareness of the interconnectedness of all life. The planners hoped that by doing the practice and exercises in a safe space, students would become more conscious of their connections to others and place a higher value on the preservation of those connections.

Within the non-competitive environment of the retreat, students found others to be more open and willing to share who they were and what was important to them. This led to students building a strong connection with others at the retreat.

"Yale Law School is a tough environment. People don't readily recognize that although they might not be competing as fervently for grades as they would in another environment, they're still competing very fervently. People compete for the comments in class that are most astute. They compete for researching and writing with professors. They compete viciously for clerkships. People aren't unfriendly with one another. Rather it manifests itself as a strange sort of silence. One of the lasting benefits of the retreat has been the way that I communicate with, address, or, in a more abstract way, in a feeling that I get, when I see someone from the retreat. We can talk to each other in a way that is a little bit different from the way that I talk to other peers."

As part of this sense of connection, students felt that the retreat made them more compassionate and sensitive to others.

"I feel that I was in a hard space before I went, which made me less charitable in my dealings with the world. The retreat made me more conscious of what was going on inside of my brain that was leading me to have small thoughts rather than bigger more generous ones. I was conscious after the retreat of being reconnected with that part of myself that feels optimistic and more expansive and goes to the world with a bigger heart."

Others found that they were more aware of the importance of listening to others and were able to listen to others in a more caring and less judgmental manner when they returned to law school.

"I try to listen more when we are having a discussion in class. One of my criticisms of law school is that people seem to just make speeches in class and don't really respond to each other's questions. They think, 'When I did the reading last night, I thought of this clever idea and I'm going to say it so I can get people to think that I'm smart.' It's not productive to do this in conversation. I now try to really respond when people are speaking and to listen with an open mind and not be thinking about what I'm going to say next."

"I think that I'm more sensitive now to people's different perceptions of situations. For example, I can be in a class that I'm enjoying and yet still understand why other people aren't enjoying it. It is more than just understanding it rationally, which was the way that I was before. I learned how to listen to their feelings as well as their words."

Students also found that it made them more willing to share with others and that they placed more value on friendship than competition.

"After we got back, I was writing a brief for a class. There was lots of research to be done, and I felt a bit behind. I was worried about it. I pulled an all-nighter and got all this research done. One of my friends asked me the next day, 'How is your research going?' I had actually found a lot of cases. Before, I would have been very contractual and thought, 'I don't want him to get all my cases.' I would have said, 'Well, if you show me some of your cases, then I'll show you some of mine.' But then I stepped back and thought, 'Well, you know really, what does it matter? Give him the stuff and maybe it will make his brief better than yours, but it's not that big a deal and you will probably ultimately build a better friendship of this, which is what it is really about.' "

RELATING CONTEMPLATION TO THE PRACTICE OF LAW

In designing the retreat, the planners struggled with how to relate contemplative practice to the practice of law. Students themselves arrived with some skepticism and curiosity regarding the forging of relationship between law and contemplative practice.

"Law school is very linear and doesn't take a rounded approach to anything and the atmosphere is very aggressive. It was just interesting how you would mediate this sort of practice through law."

While the discussion sessions of the various themes did not provide a detailed blueprint of ways in which the contemplative perspective can inform the practice of law, students were able to see that it provides a different lens from which to view one's role as a lawyer. One student found that it provided a new way of looking at one's professional responsibilities to clients.

"In Professional Responsibility classes the client/attorney interaction is viewed in terms of the attorney getting end results. I think that instead there should be a process of trying to understand, not just what according to the books is the best end result-which I think that you have a responsibility to do-but somehow that you're not just going from A to B but you are going from A to B through somebody and with somebody. In many ways, many welfare lawyers and public defenders become their clients' only access to understanding the legal system. Their clients are human beings who have concerns and questions. I worked for a public defender and I got phone calls about people's love lives. I thought, 'What is going on here? I'm not your counselor.' But I think that I just misunderstood. My role as a lawyer is also to be their conduit into the legal system, which is a very cold dehumanizing kind of place. These are real people's lives. Somehow or other you have to mediate between these two worlds."

Others caught glimpses of how the contemplative perspective can provide an alternative approach to the challenges of practicing law.

"The discussion sessions provided me with a set of tools to cope with situations that arise in practicing law. When different people tell you to do different things and you are uncertain how you feel about them ethically or your personal and moral feelings conflict with other moral systems, how do you gain clarity of insight into that situation? That's what I got out of it. How do you decipher what your clients really want versus what they ask for? That was a big deal for me. I think it's somewhat intuitive but easily forgotten."

"I think that whatever career path I choose, the retreat will impact the way that I do my job. Steve talked about how meditation affects his job, how mindfulness helps him stay calm during disputes with hostile clients and gain distance from everything and stay in focus. I thought that these things are valuable to remember. I really hope that when I get to a position in which I'm going into a courtroom that I can be as calm and grounded as he is."

Final Thoughts

Students returned to law school refreshed and centered. Students who had interviews immediately following their return found that they were relaxed, and most enjoyed their interviews. All wanted to preserve the sense of community and connection that they had forged with their fellow students at the retreat.

Students did, however, find it difficult to continue the practice once they returned to the ever-escalating demands of Law School. Given the difficulties of retaining the practice at school, many students were eager to continue to explore the contemplative perspective at future retreats. There was also an interest in continuing the practice at Yale.

Since the retreat, there have been two evening reunions for participants with dinner and meditation. Joseph Goldstein has given a talk on "Service and Silence" at the Law School. After Christmas break, the students, who had had difficulty finding an appropriate place to meditate on the Law School campus and who missed the community support of meditating together, accepted Bo Burt's invitation to sit weekly in his office. The Center provided meditation cushions and instruction tapes by Joseph Goldstein and his colleague Sharon Salzberg, and a significant number of students arrived each week during the spring semester to do "the practice" and discuss its implications.

Future Directions

Given the success of the retreat, The Center for Contemplative Mind in Society is planning an October 1999 retreat for Yale Law School students and faculty and attorneys from Hale & Dorr in Boston as well as other interested attorneys and professors. It will be held at the Pocantico Conference Center of the Rockefeller Brothers Fund in Westchester County, New York. The Fund supports efforts that contribute ideas, develop leaders, and encourage institutions in the transition to global interdependence. This retreat will be followed by a one-day contemplative event at Yale Law School. The Center is also making plans to expand its contemplative law program to other law schools and legal professionals.

Meditation Instructions by Joseph Goldstein

Sit comfortably, with your back straight but not stiff or tense. Gently close your eyes and feel the sensations of the breath as the air passes the nostrils or upper lip. The sensations of the in-breath appear simply and naturally. Notice how the out-breath appears. Or you might choose to feel the movement of your chest or abdomen as the breath enters and leaves your body.

Wherever you choose to follow the sensations of breathing, whether the in and out at the nostrils or the movement of the chest or abdomen, train your awareness to connect clearly with the first moment of the beginning in-breath. Then sustain the attention for the duration of just that one in-coming breath. Connect again at the beginning of the out-breath and sustain your attention till the end.

It is important not to become overly ambitious. We all have the capacity to feel one breath completely. But if we try to do more than that, if we have the idea that we are going to be mindful of our breathing for half an hour, then that is much too much. To sustain unbroken attention for that amount of time is far beyond the capacity of our mind, and so we quickly become discouraged. Connect and sustain for just one breath and then one more. In this way you can work well within your capacity, and your mind will begin to concentrate simply and easily.

At times other objects will arise-physical sensations, thoughts, images, emotions. Notice how all these appearances arise and change in the open awareness of mind. Often we become distracted, lost in the display of experience, no longer mindful. As soon as you remember, come back to the simple state of awareness.

It can be helpful in the beginning to focus primarily, although not exclusively, on the breath. Focusing in this way helps stabilize attention, keeping us mindful and alert. Bringing the mind back to a primary object, like the breath, takes a certain quality of effort, and that effort builds energy. It is like doing a repetitive exercise to develop muscular strength. You keep doing it and the body gets stronger. Coming back to the primary object is mental exercise. We come back to the breath, again and again, and slowly the mind grows stronger and more stable. Our level of energy rises. Then when we open to a more choiceless awareness, we perceive things in a more refined and powerful way.

If at times you feel constriction or strain in the practice, it helps to settle back and open the field of awareness. Leave the breath for a while and simply notice, in turn, whatever arises at the six sense doors (the five physical senses and the mind): hearing, seeing, pressure, tingling, thinking. Or you can rest in an open, natural awareness, paying attention only to sounds appearing and disappearing. Widening the focus of attention in this way helps the mind come to balance and spaciousness. You can also use the technique of mental noting to strengthen mindful awareness. The art of mental noting, as a tool of meditation, requires practice and experimentation. Labeling objects of experience as they arise supports mindfulness in many different ways.

Noting should be done very softly, like a whisper in the mind, but with enough precision and accuracy so that it connects directly with the object. For example, you might label each breath, silently saying "in, out" or "falling." In addition, you may also note every other appearance that arises in meditation. When thoughts arise, note thinking. If physical sensations become predominant, note pressure, vibration, tension, tingling, or whatever it might be. If sounds or images come into the foreground, note hearing or seeing.

The note itself can be seen as another appearance in the mind, even as it functions to keep us undistracted. Labeling, like putting a frame around a picture, helps you recognize the objects more clearly and gives greater focus and precision to your observation.

Mental noting supports mindfulness in another way, by showing us when awareness is reactive and when it is truly mindful. For example, we may be aware of pain in the body, but through a filter of aversion. Without the tool of noting, we often do not recognize the aversion, which may be a subtle overlay on the pain itself. The tone of voice of the mental note reveals a lot about our minds. You sit and note, "pain, pain," but perhaps with a gritted-teeth tone to the note, the tone makes it obvious the actual state of mind. Quite amazingly, simply changing the tone of the note can often change your mind state. Noting refines the quality of mindfulness, that very particular, nonreactive awareness.

Mental labeling also strengthens the effort-energy factor in the mind. Because noting does take a special effort, some people find it difficult to do in the beginning. But effort overcomes sloth and torpor; the very effort to softly note each arising object arouses energy, which keeps the practice developing and deepening.

The skillful use of mental noting keeps us energized, accurate, and mindful. Try this technique in your next sitting, even if only for a short period of time at first. Simply note each arising appearance as you become aware of it: rising, falling, thinking, thinking; pain, pain; rising, falling. Frame each moment of the experience with a soft mental note, and observe the difference in the quality of your attention.

Be patient in learning to use this tool of practice. Sometimes people note too loudly, and it overshadows the experience. Sometimes people try too hard, becoming tight and tense with the effort. Let the note float down on the object, like a butterfly landing on a flower, or let it float up with the object, like a bubble rising. Be light, be soft, have fun.

From *Insight Meditation* by Joseph Goldstein, © 1993.

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Associated Organizations

THE NATHAN CUMMINGS FOUNDATION is rooted in the Jewish tradition and committed to democratic values, including fairness, diversity, and community. The Foundation seeks to build a society that values nature and protects ecological balance for future generations, promotes humane health care, and fosters arts to enrich communities.

The Foundation's approach to grantmaking embodies some basic themes in all of its programs: concern for the poor, disadvantaged, and underserved; respect for diversity; promotion of understanding across cultures; and empowerment of communities in need.

The Foundation's core programs are the arts; environment; health; Jewish life; and interprogram, which includes three special initiatives—democratic values, contemplative practice, and the nonprofit sector.

The Foundation seeks to work with partners in the public, private, and nonprofit sectors and makes efforts to document the outcome of their projects and share with others the results of the work of their grantees.

THE FETZER INSTITUTE is a nonprofit, private operating foundation that supports research, education, and service programs exploring the integral relationships among body, mind, and spirit. The Institute has a special interest in how individuals and communities are influenced by the interactions among the physical, psychological, social, and spiritual dimensions of life, and how understandings in these areas can improve health, foster growth, and better the human condition.

The Institute works collaboratively with other organizations, institutions, and individuals. While most of the Fetzer Institute's studies and programs are conducted at major colleges, universities and other institutions, much of the conceptual work is done at their retreat center, Seasons: A Center for Renewal. Located adjacent to the Institute's administrative offices, it provides a creative and hospitable environment for dialogue and community. Teachers and healers, scientists and scholars, leaders of public life and agents of cultural change are invited to Seasons to participate with the Institute in conversations and working groups that contribute to the common good.

THE CENTER FOR CONTEMPLATIVE MIND IN SOCIETY works to integrate contemplative awareness into contemporary life in order to help create a more just, compassionate and reflective society. It seeks to contribute to the health and well being of individuals and the renewal, sustainability, moral awareness, and visionary leadership for organizations through the individual and collective use of contemplative practices and processes. The Center further aims to reveal the value and increase the visibility of the contemplative traditions for society at large.

Since its founding in 1997, the Center has worked primarily with mainstream institutional and organizational channels, bridging the inner life with the outer world of social engagement. It administers the Contemplative Practice Fellowship Program and has developed retreats, programs, and meetings for the Green Group (CEO's of national environmental organizations), mainstream journalists from national press and networks including the Bill Moyers production team, directors of major foundations as well as individual philanthropists, and executives and other employees of Monsanto.