

Report on Law and Contemplative Awareness: An Exploratory Gathering

Seasons, The Fetzer Institute, Kalamazoo, Michigan

May 10 -12, 2002

Prepared by Doug Codiga and Heidi Norton for The Center for Contemplative Mind in Society

The Gathering provided a perfect opportunity to meet like-minded persons who are blending contemplative practices and some aspect of the law. It was a wonderful time to share experiences with individuals from all over the U.S. and to learn from their successes and failures. The Gathering helped me to think about ways to improve the delivery of our services and to enrich our programming.

~ Law Gathering participant

The most valuable aspect was the opportunity to make new and deepen old relationships. This networking aspect, I believe, will continue to bear fruit for years . . . It is a profound benefit and alone was worth all the effort everyone gave for the weekend to happen.

~ Law Gathering participant

INTRODUCTION

Efforts to encourage contemplative awareness in the law are proliferating and rapidly evolving. These efforts have given rise to a host of important and provocative questions. To provide an opportunity to address these key questions, and to foster an emerging sense of community, the Law Program of the Center for Contemplative Mind in Society organized "Law and Contemplative Awareness: An Exploratory Gathering" at Seasons, the Fetzer Institute on May 10-12, 2002.

This Law Gathering, the first of its kind, brought together thirty leaders in law and contemplative awareness for a unique contemplative meeting. Participants investigated themes and questions, took part in demonstrations of diverse contemplative practices, and enjoyed networking, sharing, and taking steps toward building a movement.

PLANNING PROCESS

At the October 1999 law retreat at Pocantico, Charlie Halpern suggested the Law Program should organize a gathering that would bring together judges, attorneys, law school deans and professors, meditation teachers, writers and others to explore the connections between law and contemplation in greater depth. The Law Gathering flowed from that original vision.

The Law Program Steering Committee reviewed several draft plans for this event (under the names "Contemplative Law Working Group" and "Leaders in Law and Contemplation") in 2000. In February 2001, the Steering Committee authorized the event and the formation of a Planning Committee. In June 2000, the Law Program secured funding from the Fetzer Institute for the Law Gathering.

The Planning Committee consisted of Mirabai Bush, Doug Codiga and Heidi Norton from the Law Program; Steering Committee members Paul Ginter and Charlie Halpern; and the welcome additions of Len Riskin and Ferris Urbanowski. The Planning Committee held its first conference call in October 2001

and embarked on the process of narrowing down the list of potential participants and developing the program. A total of eight conference calls were held from November 2001 through late April 2002, and the committee met in person for a half-day meeting at the Harvard Law School in connection with the Harvard Negotiation Law Review symposium on law and mindfulness. The Planning Committee also met by telephone after the gathering to evaluate and plan action steps.

PARTICIPANTS

The Planning Committee assembled a list of over fifty qualified individuals as potential invitees. Given the accomplishments and "fit" of these individuals with the aims of the Law Gathering, the task of selecting from among them was challenging.

In narrowing down the list, we sought to include gender-balanced representation from the categories of judges, attorneys, professors and deans, meditation teachers, and others. The composition of the participants reflected the goals of the Gathering. The Steering Committee had earlier conceived of the Gathering as a working group, then as a meeting of leaders in law and contemplation. Under the guidance of the Center's board of directors, the latter focus on leaders in law and contemplation was subsequently broadened to include others who share a strong interest in this area although they may not be actively engaged in bringing contemplative practice to others in the law.

The Planning Committee began contacting potential invitees in December 2001 and early 2002, and the list of participants was mostly finalized by February. A total of thirty participants attended the Gathering. Of these, there were twenty men and ten women, including one judge, four practicing attorneys and alternative dispute resolution experts, twelve law professors, six contemplative practice and yoga teachers, and seven individuals who are currently focused on organizing and writing in the field. A complete list of the individuals is appended to this report.

PRE-GATHERING NETWORKING AND PACKET

One of the goals of the Law Gathering was to begin to build a network of individuals working in the area of law and contemplative awareness. Consistent with this goal, the Planning Committee sought to meaningfully involve all Gathering participants prior to their arrival at Seasons for the event.

Program Questionnaire

In early March, a questionnaire was sent by e-mail to all participants soliciting comments and suggestions for the program and schedule. The questionnaire asked participants to describe their motivation for attending the event and what they hoped the event would accomplish; to identify key questions or issues in this area; to share specific themes and topics to be addressed; and to list information, ideas, techniques, and methods they wished to learn more about. Eight participants responded with lengthy and insightful comments and suggestions. These responses were used by the Planning Committee in developing the program.

Biographical Questionnaire

In late March, a second questionnaire was sent by e-mail to all participants requesting biographical information. The information sought included name, title, institutional affiliation, and contact information; legal background and professional experience; personal involvement with contemplative practices; any involvement in efforts to integrate law and contemplative awareness; and recommended resources such as websites, books, and related organizations.

As explained to the participants, the Law Program sought to gather relevant biographical information, compile a report, and mail a hard copy of the report to each participant several weeks prior to the event. This would allow the participants to read up on each other before arriving at Seasons, and serve as a handy reference complete with contact information for future networking. Lengthy, detailed responses were submitted by nearly all of the participants.

Pre-Gathering Packet

About three weeks prior to the Gathering, each participant received in the mail a 90-page bound report with the biographical accounts and other important information about the event. The packet was prefaced by a welcome letter from Doug which introduced the Law Program Steering Committee and the Planning Committee members as planners of this event, briefly described the participants and Len's law review article, and outlined the program and the main themes to be explored. Next, the packet provided a summary of the Law Program drafted by Heidi, which gave a synopsis of the program's background, vision, and future activities. The centerpiece of the packet was the lengthy and detailed report compiling the participants' biographical information. Finally, the packet included a complete copy of Len's law review article, "The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers and Their Clients."

Program and Daily Schedule

The program and daily schedule was built around four inter-related themes identified and jointly developed by the Steering Committee and the Planning Committee. These themes, described below, gave the schedule its basic structure and provided reference points as multiple inquiries unfolded over the course of the weekend.

Friday Evening

The Law Gathering got underway Friday evening with a wine and cheese reception followed by dinner. After dinner the participants gathered for a brief welcome and introduction. Charlie established the context for the Gathering by briefly reviewing related projects and initiatives, and situating our efforts within that framework. Mirabai further elaborated on the Center's work in bringing contemplative awareness to contemporary settings, and introduced Law Program committee members, our facilitators Len and Ferris, and our yoga instructor Sunanda Markus. Heidi provided additional background about the work of the Law Program.

Len and Ferris then led the group in an opening circle designed around the simple question, "why are you here?" The participants divided into small groups, and each person was asked to speak to this question in a manner that allowed deeper motivations and understandings to come forth. After the small groups concluded, the participants gathered as a large group for further introductions and sharing. We concluded the evening with a brief meditation led by Joseph Goldstein.

Saturday Morning

On both Saturday and Sunday mornings, Sunanda offered instruction in yoga beginning at 7:00 AM. As usual, this was a well-received part of the program. On Saturday morning, Grove Burnett led a half-hour meditation immediately following the yoga session.

After breakfast, we began to explore the first of the four inter-related themes. Ferris and Len explained that the emphasis in exploring these themes would be on developing the links or connections between them, rather than addressing each question separately. The first question concerned contemplative

awareness and practice, and was posed as: "What is your contemplative practice? Why do you do it? How does it affect and inform your intentions in life?" Ferris and Len also introduced Discussion Groups, each of which had seven or eight participants, including two facilitators. The participants met in these Discussion Groups for over an hour to take up the first theme, and then met again as a large group to share some of the results of these conversations.

Before lunch Ferris and Len introduced the second theme: "How does your contemplative practice affect your role concept and your actions as a lawyer/judge/law teacher? If you're introducing contemplative practice, why are you doing so and what are you doing?"

Saturday Afternoon

The participants returned from lunch to an energizing half-hour session of Qi Gong led by Charlie. We then continued with our discussion of the second theme. Clark Freshman began the session by helping us to see very concretely how we bring things to our roles that we're not always aware of. He asked us to identify whether or not we could feel our little toes. Although most of us could not, we recognized that they were attached to us nonetheless, and we saw that in the same way, our preconceived ideas and positions were also with us, whether or not we were aware of them.

Len and Clark then led us in an exercise to demonstrate the use of mindfulness in negotiation. People were paired up and one person in each pair was to identify an argument they found objectionable.

The other person was then asked to make that argument to their partners as well as possible. Then, the first person was asked to repeat the argument back as it was presented, without inserting any new thoughts or feelings into the argument. The process of repeating back required strong listening skills and presence of mind, to let go of our own views and reflect what was said without being drawn into the substance of the offensive argument.

Next, Clark shared the results of his academic research and classroom experiences, including an exercise in which students are given the facts of a case in preparation for a negotiation meeting. Prior to the meeting, students are asked to make written notes about their state of mind and emotions, including any hopes, expectations and fears they might have about entering into the negotiation. The result is a keener awareness of the preconceptions and baggage a lawyer can unintentionally bring into a meeting, and the opportunity to make informed choices about whether to dispense with some of these thoughts or feelings before entering the negotiation.

Cheryl Conner led the group in tonglen meditation, a Tibetan Buddhist practice aimed at overcoming our fear of suffering and awakening an inner compassion toward ourselves and others. The tonglen practice used the terms "white" and "black" as synonyms for positive and negative mind states. This symbolism generated a short but provocative discussion about whether the use of these terms in this context could be perceived as racially offensive (as expressed by several participants), and highlighted the challenge of introducing contemplative practices in non-traditional settings.

Our exploration of the second theme then concluded with a presentation by Janine Geske on The Examen, a Christian contemplative practice which offers an opportunity to review and be grateful for the events of the past day, bringing awareness to each encounter and the gifts received, moment by moment. The practice includes a chance to bring attention to one particular moment that generated strong emotion during the consideration of the previous day (whether a positive or negative emotion), and to reflect upon what comes up around that moment, whether it be gratitude, regret, or a need to heal. The Examen concluded by repeating this process of considering interactions and moments to be grateful for in the coming day.

Saturday Evening

On Saturday evening, we broadened our focus to address a third, related question: "What are the connections between contemplative awareness, social justice, and social change?" Joseph led off with the discussion with comments on this theme, including a consideration of the practice of sending lovingkindness, or metta, to people we may find difficult. The ensuing discussion focused on the ethical dimension of contemplative awareness, the roots of social activism, and current issues such as bringing peace to the Middle East. Following this discussion, Dana Curtis spoke about her work involving forgiveness and mindfulness. We concluded the evening with Dana leading us through a guided meditation on forgiveness demonstrating how she works to bring contemplative awareness into dispute resolution.

Sunday Morning

After yoga practice, the meditation period was led by Mary Mocine, a Zen teacher. Mary provided instruction in posture and breathing from the Zen tradition, and led the participants in a half-hour of zazen.

After breakfast, we shifted the focus to address the fourth theme: "Where, if anywhere, do we go from here?" Mirabai reminded the group that the goal of the Gathering was to bring people together to meet and investigate these questions. From that perspective, the event would be a success even if the group did not commit to specific action steps at that time.

We then returned to our Discussion Groups for brainstorming sessions. Each group recorded its thoughts on a flip chart, and then reported its findings to the large group. The groups identified a number of concrete steps that could be taken in the areas of networking and outreach, such as the development of web-based resources, a listserv, and the possible role of the Law Program as an organizing nexus or secretariat for future activities. The group also discussed possible future events and activities, including CLE programs on law and contemplation, academic research, and targeted law retreats - such as a retreat for law school deans. The brainstorming sessions also uncovered a long list of important and thoughtful questions, such as what is the "it" that we wish to share with others, are we about liberation or making "nicer" lawyers, and how might we penetrate mainstream legal institutions on matters of law and contemplation. A list of key insights, observations and questions were memorialized in a "Next Steps Report", included as an Appendix to this document.

In the final moments before the lunch and departures, with all of the available time having been used to continue to evaluate and brainstorm on possible next steps, Ferris and Len asked the participants to form a circle, hold hands, and return to silence. Each of us then offered a few words in closing, and we concluded our Law Gathering.

Post-Gathering Evaluations

After the Law Gathering, an evaluation form was sent by e-mail to all thirty participants. Ten participants responded; these responses are collated below.

1. Please tell us about the personal or professional benefits of your experience at the Law Gathering. What impact has it had on your life and your work?

Given my personal transition at this time, the weekend was a very healing experience, in the nature of a longer meditation retreat. That was a surprising gift. Next, there was a rich opportunity to learn about the personal histories of other participants and see the shaping of the fabric we are all weaving together in our work around the country. The recording of that history could be a very valuable aspect of the Center's work.

I found certain aspects of our conversation valuable, for example, the powerful interchange around the racist metaphors of Cheryl's meditation. It was also valuable to hear participants' visions for their work. On the whole, however, I think that the more formal portions of the weekend were the weakest. From my perspective, they fell prey to the conventional facilitation model. It was a predictable agenda with predictable facilitation, nothing wrong with it at all.

From my own study and work regarding communication, the process lacked thematic foundation and facilitation from the view of guiding an "intentional conversation." It did not use the conversation flow to surface places where we as individuals and a collective field of consciousness are stuck, expose our stuckness experientially for us all to see, reveal the barriers we are creating, and generate pathways to a higher order of integration -- all aspects of the methodology of "intentional conversation."

For example, there were at least three times over the weekend when buried conflict surfaced. One, on the first night when several participants expressed concerns about sharing with students their spiritual practices. Two, the incident regarding Cheryl's meditation offering. Three, the questions regarding openness to other practices, Christian ones, besides Mindfulness. All three of these conversational bubbles were allowed to remain on the level of talking and opinion [See Theodore Zeldin, "Conversation: How Talk Can Change Our Lives," in which the author comes close to this issue].

Because these conflicts were avoided or, more accurately "made nice over," rather than explored, our communication remained on a more surface level. We "talked," rather than engage in an "intentional conversation." As a result, we did not reach the depth that this group of individuals is capable of, and accustomed to, reaching, in my view.

The gathering really provided me with a broader understanding of what is out there in the law field in connection with contemplative practice and where contemplative practice (we never did talk about what contemplative practice is!) can be most directly integrated into the legal profession. Probably the single most beneficial effect was simply to be in the presence of and to be in communication with others who are exploring artful ways to combine their legal backgrounds (whether scholar or practitioner or both) with their contemplative practices.

This was an affirming experience. I was able to reflect peacefully on how all of my experiences - most notably, family life, rowing, judicial outreach, associations within Indian country - inform my aspirations and who I am. Aspirations were renewed and adjusted. This gathering came at an opportune time for me. It has already helped enable me to make some important decisions about my personal and professional life. As a result I am energized.

As a person, it was helpful to learn some new spiritual practices. In particular, I enjoyed learning about the meditation on moments of grace throughout the day -- and was pleasantly surprised to see how this fit a Catholic perspective. It was also very helpful to see how people reacted to the Tibetan practice of giving and taking; I'd done the practice before many times, and I found it helpful. It never crossed my mind that it was disturbing in that it associated taking in bad things with blackness and giving forth white things as goodness. One of my main research interests is unconscious prejudice and promoting understanding -- this was a very rich example! I was especially impressed, too, by the way Joseph Goldstein nicely suggested the alternative of inhaling thickness and exhaling luminosity. I also was very glad to find out about some novel ways of thinking about law and contemplative practices -- such as the way that law might change the way such practices are taught. I'd given this

no thought and later saw one connection in my own teaching: I often tell law students when noting thoughts that they may note things as they are useful -- sometimes just thinking and sometimes something more specific to the topic such as concepts from negotiation -- and I'd analogized this to discussing the holding in a case.

Also, more specifically, I met several people and reconnected with others with whom I may be able to develop some more teaching materials and opportunities to teach contemplative practices. I enjoyed it a lot. Meeting new people and hearing about what they are doing was great. Too early to determine any impact.

It was just wonderful to be among that crowd again -- a great group with wonderful ideas and a heartfelt commitment to combining contemplative practice with law. It re-energized me, and reminded me that I'm part of a progressive, insightful, compassionate community.

I was encouraged by the orientation of the group in that it was focused on practice and not so much on stress-reduction as a final goal. I was also encouraged by the emphasis on including values or ethics in our work. I learned a few techniques that I will be able to use in workshops and meditation retreats. I was inspired by Janine's prison work and intend to try to introduce similar work in California.

It was valuable for me to meet others in my profession for whom the contemplative practice is a central part of their life. It was affirming of the mutual benefits between inner practice and outer action.

2. What did you find most useful and valuable about the Law Gathering? What worked well for you?

The breakdown into smaller groups was helpful as it allowed more "air time" for more people. The diversity of the presenters was very helpful. It would have been great to have heard from Gary Friedman. He is a pioneer and such a leader in the field of ADR.

A sense of shared purpose and of the potential for the growth of community based on the issues set forth at the conference.

Most useful and valuable -- the integrity of the individuals who participated and the manner of their participation. The kind and peaceful facilitative style, the absence of bombast, worked very well for me.

The combination of very intimate one-on-one, small groups, and large group discussions seemed to work well. It was also very useful to have a combination of people who have been involved with this effort for some time and those just getting involved. My only suggestion would be that it would also be nice to have a bit more time!

Most enjoyed meditating together. The place was great. Out of session conversations were the best. I enjoyed the body practices and the experience of Vipassana meditation. I very much enjoyed getting to know and learn from so many people in small groups and during breaks. It is always useful to have a chance to reflect on what one is doing and why. See also above.

Beyond simply having a chance to be together, I found the small groups worthwhile. Although people seemed to feel free to broach even difficult topics in the large group meetings, the added intimacy of the smaller groups was welcome. I think the yoga and Qi Gong also got the mornings off to a wonderful, loose start.

I really appreciated having Joseph Goldstein at the meeting, and felt I benefited from his presence and wisdom. I thought the small group discussions were especially conducive to sharing and learning from each other.

The ability to network was the most useful aspect to the Gathering.

3. What did you find least useful or valuable? What would you have done differently?

I would have added another day and more sitting and more down time outside. I think such informal collaboration and discussion would have been very productive. There were several great folks there doing great work that I never had a chance to talk to. I really wanted the chance to connect with them.

Given that this was the first such gathering, I'm not sure what could have been done differently, since it was a learning experience for everyone (including the presenters and facilitators). It did turn out that we needed less time than was allotted for introductory exercises, and could therefore have perhaps devoted a little more to "where do we go from here?"

A little more time to get up and stretch would help. Maybe 30 minutes mid-morning and mid-afternoon, done in conjunction with small group activities like walks around the lake, so that we don't just all wander off into our own little worlds.

Never got clear about what would be included in contemplative practice. There was no explicit attention paid to group dynamics nor was there any reference to psychology and its relevance to what we were doing. Enormous opportunity to pay attention to our group interaction in interchange between Cheryl and Harlan was ignored in our large group discussion even though it was a pivotal point for the group. Most surprising to me was that I didn't say anything about it in the group. I'm not sure why. There was also an undercurrent that I felt about different approaches to meditation. While I found Joseph compelling and wonderful, I also felt his subtle putdowns of other meditation approaches. If we were to do it again, I would make explicit agreements with the group about commenting on our process and using that to enrich the learning.

I thought the discussion on Saturday night was interesting but not very relevant to our purpose for the weekend. It was not at all focused on law practice or working with lawyers. I found it frustrating given how little time we had together. I would have liked to hear more about how people are working with lawyers and meditation directly.

I think I might have tried to structure more time for small group discussions, as long as there was a mechanism for incorporating what came out of those discussions into the larger group discussion. Some of the presentations were not very useful. Small group work was most valuable.

4. Please comment on the program, including the morning yoga and meditation, small and large group discussions, facilitation, and the various presentations (mindfulness in negotiation, tonglen meditation, the examination, and forgiveness).

The yoga, Qi Gong and meditation were uniformly excellent, although for beginners in yoga I encourage you, in the future, to consider having someone who is trained as a yoga teacher, as opposed to someone who is well trained in the practice of yoga, which makes a big difference.

I've already commented on the facilitation and the value of small groups. I think that the examples of how various individuals are using various practices in their work did not land well, in general, and were disappointing. Watching the room and listening to responses afterwards, I would be surprised if my view

is not widely shared, even if not acknowledged. The preparation for the presentations was uneven, at best. I thought that the Christian practice had the clearest presentation.

They were all good. The tonglen was too long. I think everyone agreed. The negotiation and forgiveness stuff was great. It is so clear that negotiation and ADR is where contemplative practice can make the most direct impact. The danger, of course, is that we are watering down mindfulness practice. While being taught quite competently, I know many of us are concerned that these people really don't have a deep practice. This turns mindfulness into stress reduction, which is OK. We just should be clear about what is happening.

The experience level of various group members being what it was, I think we needn't have had quite so much time on presentations as on allowing the group to come forth with its own sense of needed future action. The contemplative practices themselves were very helpful, and the facilitators were very responsive and flexible (a must with a group such as this)

The yoga and meditation were wonderful, large and small groups, facilitative skill, presentations were all excellent. Joseph Goldstein's presentation stands out.

All of the discussions and practices were extremely useful. For me personally, I would have enjoyed an afternoon yoga or mild exercise session as well

Yoga - great. Meditation wonderful. Mindfulness in negotiation didn't go far enough for it to be valuable. Tried to do too many things. I would rather have had one exercise that we stayed with for a longer time to deepen our own conversation about mindfulness in the law classroom. Forgiveness was way too short to have any impact. It was almost a throw-away. I liked Joseph's Saturday night lecture and the group's interaction with the theme.

I wasn't clear about some of the material being presented in terms of its relevance. I am very interested in restorative justice and in forgiveness work but it seemed a bit tangential to our focus and, again, I would have liked more time spent more directly on lawyers/law students and contemplative practices. I thought the presentations were fine in themselves. Perhaps we should have talked more about the tonglen/black/white issue because Cheryl got left hanging, I think. I took us away from it because I felt the sentiment of the group was clear and Harlan had said he didn't want to "hijack" the discussion. On more reflection, perhaps I was too hasty. Not sure.

I appreciated that yoga and meditation was a part of the program. I think it might have been helpful to have more time for small group discussions. The facilitation was good, as were the various presentations. I would have liked to have more discussion on current world crises and the contemplative response to them -- especially the issue of the Middle East, which was really on my mind, and which people seemed reluctant to engage on.

I didn't attend either yoga session. Morning meditation was outstanding. Small and large group discussions were helpful and well-facilitated. Presentations were less helpful.

5. The theme for our final session on Sunday morning was "where do we go from here?" Do you have additional suggestions or thoughts on this topic?

Just a re-affirmation of the importance of formalizing the networking aspect, which is so very valuable in building any new field, especially one with the inherent challenges of contemplative practice. There is no

substitute for a supportive network, with regular communication channels, meetings, etc. It takes work, but it will eventually pay a staff to support it.

This session seemed a bit hard to get a handle on, with a tendency, inherent in such an undertaking, of going all over the map a little. It was OK, considering the time constraints.

Use the Contemplative Law webpage (and subpages) as an electronic resource center, bulletin board, document/research repository, and virtual commons.

Staff facilitation of ongoing dialogue among participants. This is always a problem, as people head back to their lives and the energy of the day dissipates. This energy should be nurtured. Maybe a periodic email with article, question, update from participants, chat room, things like that.

6. Do you have any comments or suggestions regarding food or accommodations?

Both were outstanding. Please do it again.

The accommodations and food were excellent. It was a beautiful and comfortable setting; the meals were very vegetarian-friendly, and the kitchen staff were wonderful.

They are great, of course. But we really need to get outside! The whole experience would have been greatly enhanced if we had just taken a silent 20 minute walk.

7. Please add any additional thoughts below. Thank you.

Thanks to everyone who worked so hard to create such an incredibly valuable experience. It was such an extraordinary gift to me. I'll remain forever grateful.

Great job. Keep up the good work.

Many thanks for being invited to share in this unique and creative process.

A terrific meeting overall -- a chance to connect with old friends, make new ones, continue old conversations and explorations, and begin some new ones.

If you are planning to have that group reconvene, there should be a stronger focus.

Lessons Learned

The Law Program developed the Gathering as a one-time event. Unlike law retreats, which are scheduled repeatedly and thus benefit from critical evaluation, the Law Program has no current plans to organize a second Law Gathering. Nonetheless, these types of contemplative meetings are central to the work of the Center and the Law Program, and it is possible that a second Law Gathering will be organized if warranted by initiatives growing out of this first event. For future such events, the following "lessons learned" may be useful:

- Including more leaders of the bar and bench would add important voices to the discussion and possibly raise the profile and impact of the event.
- Overall, having more time would improve the opportunities to accomplish more networking and to more adequately cover the substantive material of the meeting. The Friday evening through Sunday lunchtime slot was adequate, but given the substance of the material and the size of the group, more time would have been helpful.
- Virtually all of the participants were deeply grounded in contemplative practice. It is therefore possible that time spent sharing and discussing our practices (first theme) could have been shifted to discussing efforts to integrate law and contemplative awareness (second theme).

- Although the demonstrations were valuable, fewer might have allowed more time for greater depth in the discussions.
- If a second event is held at Seasons, limiting the number of participants to around twenty-four could increase the depth and intimacy of the large group discussion and better match the intended use of the facility.

FOLLOW UP AND NEXT STEPS

The event generated momentum and enthusiasm for possible future collaboration among and between all participants. The Law Program is committed to facilitating and supporting this work, and has undertaken several follow up measures.

As a first step, the Law Program collected the flip charts on which participants recorded their ideas during the brainstorming session on the last morning. These flip charts, and all of the other flip charts from the weekend on various other topics (Why We Came, Goals, Notes), were reduced to a document. This document was edited into a summary of the flip chart notes. In this Summary, the ideas were sorted into two broad categories: (1) possible action steps, including networking and outreach, and events and activities; and (2) important questions. In addition, the Law Program arranged for transcription of the tape recording of the final session on Sunday morning. The results of this transcript were incorporated into the flip chart summary.

This flip chart summary was subsequently reviewed by the Planning Committee during a conference call in June to discuss follow-up activities for the Law Gathering. The Planning Committee reviewed and discussed possible action steps and important questions, and began to develop an approach to future collaboration. It was agreed at the Law Gathering that the Law Program would draft a report based on the flip chart notes summary to be circulated among all participants. It is hoped that this report will facilitate and support future collaboration by identifying action steps and by sharpening the focus on key questions. A copy of this report is appended to this report.

In addition, in early June the Law Program launched a listserv for all Gathering participants. To date, twenty of the thirty participants have joined the listserv. Several participants have posted messages and exchanged ideas on questions such as: "Are we about liberation or making 'nicer' lawyers?" "What is "it" that we want to share with others?" and "Should we be concerned about the "legalization" of the dharma?"

CONCLUSION

The Law Gathering was truly an exceptional event. So far as we know, it was the first time ever that a core group of leaders in law and contemplative awareness from across the nation assembled in one place to learn from and about each other, and to explore in depth the important and provocative questions emerging from this work. The simple fact that these individuals were identified and brought together as a group signaled the success of the event, as well as the importance of the Law Program's role in catalyzing growth of this movement.

Many participants committed to building and sustaining a network before, during and after the time spent together at Seasons. At the event, clarity and focus were consistently brought to bear on the key questions confronting efforts to integrate law and contemplative awareness. The weekend unfolded in a series of silent practice periods, discussion sessions, mealtime conversations, and relaxing moments that combined the best of the law's inquiry into the truth and justice with the insight and depth of the contemplative mind. By modeling the integration of these truths, the Law Gathering marked a significant

step forward in this exploration.

Possible Action Steps and Important Questions: A Collaborative Report for Law Gathering Participants

1.0 Introduction

This report discusses possible action steps and important questions growing out of Law and Contemplative Awareness: An Exploratory Gathering held at Seasons, the Fetzer Institute, May 10-12, 2002. The purpose of this report, which is addressed to all participants, is to build on the connections and collaboration begun at the Law Gathering in order to further support and facilitate networking and outreach, events and activities, and the continued exploration of important questions.

The theme for the final session of the Law Gathering, on Sunday morning, was "Where, if anywhere, do we go from here?" We divided into small groups and recorded our ideas on flip charts. At the conclusion of this session, it was suggested and agreed that the Law Program would prepare a report based on our conversations and the flip chart notes and circulate it among the participants. After the Gathering, the flip charts, and all of the other flip charts from the weekend on various other topics (Why We Came, Goals, Notes), were reduced to a document. In addition, the tape recording of this session was transcribed. This document, with reference to the transcript, was edited and the ideas sorted into two broad categories: (1) possible action steps, including networking and outreach, and events and activities; and (2) important questions. (A copy of this document is available upon request.)

The Planning Committee (Mirabai Bush, Doug Codiga, Heidi Norton, Charlie Halpern, Len Riskin and Ferris Urbanowski) subsequently reviewed this document during a conference call to discuss follow-up activities for the Law Gathering, and prepared this report.

2.0 How to use this Collaborative Report

In keeping with the spirit of our Gathering at Seasons, this report is intended to facilitate and encourage the process of further networking and collaboration among all participants. This process entails three steps. The first step, which has been completed, was the drafting of this report based on the flip charts and the transcript from our Sunday morning session. The second step - which requires attention now - is for all participants to review and reflect upon this report, suggest priorities and areas you would be interested in collaborating on with others, as well as to provide comments and suggestions. The third step will be the preparation by the Law Program of a final version of this report that incorporates the priorities, commitments, comments and suggestions. This final report will be sent to all participants.

The items identified below are divided into four broad categories: General Framework, Networking and Outreach, Activities and Events, and Important Questions. Please keep the following in mind as you reflect on the various items:

- Which items are most important to you? Please indicate which items you feel are especially deserving of attention as you provide feedback. The final report will indicate the relative priority of the items based on participants' responses.

- Which items are you willing to work on? Please indicate the items you have time and energy to commit to. Your name will be included next to your responses in the final report. This will help us to network with each other.
- What, specifically, are you interested in doing? Please be as specific as possible in describing what you're willing to undertake. This will help others to evaluate opportunities for further collaboration.

This report is not a blueprint for future Law Program activities, but rather a method of identifying points of interest, leadership and collaboration as to various potential initiatives. Although the report describes Law Program efforts for most items, at this stage the Law Program is not committed to any specific items or to taking up any suggestions made by participants.

3.0 General Framework

Following the Law Gathering, the Planning Committee discussed four related themes that could form a framework for consideration of future actions.

1. First, networking, identifying, and working with people interested in encouraging and promoting contemplative awareness in four settings: law schools (especially law school clinics), the bar, the bench, and the public interest law community. This should also include dispute resolution professionals, some of whom are not lawyers.
2. Second, supporting and helping these people to be more effective. This includes helping them to support each other, expanding the directory of individuals and groups, and developing additional resources.
3. Third, preparing a report on the state of contemplative awareness in the law. This report would include the Law Gathering and other related events, and serve as a vehicle for building interest in the continued emergence of similar efforts.
4. Steven Keeva: It seems to me that in order to do this adequately, we'll have to spread the net wide, and somehow locate lawyers and judges throughout the country who are now using contemplative practices in their work (or to enhance their work lives). I can't help but think that there are some wonderful things going on out there that so far have not appeared on our collective radar screens. How to do this? Ah, there's the question. Clearly we can go through churches, synagogues and meditation centers. But perhaps we can also find such people by simply asking around, and asking others to ask around. It seems to me that without making some effort in this area it will be difficult to say with any confidence what the state of contemplative awareness in the law actually is.
5. Fourth, developing specific strategies for penetrating the mainstream (such as Len Riskin's successes with introducing mindfulness to the ADR community).
6. Steven Keeva: Next year at the ABA Annual Meeting, the Trial, Tort and Insurance Practice Section (what was TIPS and is now TTIPS) plans to put on a major program on the ethics and practice of apology in the law. The planners are very deliberately attempting to use the section's reputation as a serious, no-nonsense group to give great prominence to a topic that might otherwise not be taken seriously by many attendees (who might still find it to be too touchy feely for serious consideration). Employing that same strategy, perhaps we could work with a section to get a program on the agenda (I'll be on the apology program and I'd be happy to get involved in this too). The Law Practice Management Section comes to mind, largely because I've been impressed by their openness over the years. Also, I write an occasional column for their magazine that seems to be well-received (the one I just turned in is on mindfulness). Another possibility: the Young Lawyers Division or - and this might be a shot in the dark that just could turn out to have surprising results, the Litigation Section. File that under "you never know until you try."

4.0 NETWORKING AND OUTREACH

1. It was suggested that the Law Program be developed as an organizing nexus, or secretariat. In some respects, the Law Program has served this function since its inception in 1998. The question now is whether there are additional, specific initiatives growing out of and involving Law Gathering participants that would require a separate, dedicated secretariat.
2. There were several suggestions for using internet resources. The Law Program maintains a website at www.contemplativemind.org/programs/law/. The website contains an overview of the program and links to reports on past law retreats, related websites (including Steve Keeva's transformingpractices.com), and other web resources. The Law Program will continue to post links to news, articles, announcements, and other resources as they become available.
3. The Law Program is also developing an "interactive map" of law and contemplative practice resources in the United States on the Law Program website. This map is currently under construction. When completed, it will feature a map of the United States with icons. The icons will link to information about individual attorneys or law professors or others who serve as contacts, to law and contemplation groups, and to contemplative practice organizations and teachers.
4. It was suggested that web resources such as electronic meetings, e-mail bulletin with links, webcasts of talks, etc. be developed.
5. It was suggested that a database of individuals and organizations interested in law and contemplative practice be maintained. The Law Program maintains and will continue to build such a database, and in the past has shared selected portions of this database information with like-minded organizations. To assist the Law Program in building this database, in response to this item please respond with the names of any individuals and organizations you think should be added to the Law Program database for future mailings and networking.
6. It was suggested that a report on the Law Gathering be made available electronically. The Law Program has drafted this report and it will be posted on the Law Program website. We are also considering a broader report for wider circulation that would provide an overview of all the Law Program's past initiatives, including the Law Gathering.
7. It was suggested that an exploratory meeting for the San Francisco Bay Area law community be organized. On June 12, the Law Program hosted its first planning meeting for the Bay Area Urban Law Partnership at the home of Charlie Halpern. Several Law Gathering participants attended, including Richard Boswell, Gary Friedman, Mary Mocine, Karen Musalo, and Heidi Norton. The group discussed organizing a retreat in April 2003 at Spirit Rock. The group also got into an interesting discussion around the question of whether it is offering simple stress reduction or something more.
8. Steven Keeva: Just a brief weighing in on Stress Reduction v. Enlightenment (U.S. Court of Contemplative Awareness, 8163b.). It seems to me that the question of what it is we're offering may miss the mark - since we can't with certainty offer anything in particular. People take different things away from their experiences with contemplative practice, so all we can do is suggest the spectrum of possibility, from relaxation to enhanced discernment to cosmic consciousness -- or whatever.
9. It was suggested that regional chapters of the Law Program be organized. At present, the Law Program is not organizing regional chapters per se. The Law Program is pursuing Urban Law Partnerships between and among law schools, law firms, and contemplative practice resources in Boston, the San Francisco Bay Area, and possibly other major metropolitan areas in the future.
10. It was suggested that a strong connection with Fetzer's Healing and the Law program be maintained. The Fetzer Institute has been a key supporter of the Law Program. The Law Program will continue to maintain and build this relationship. At our Law Gathering, Dean Link indicated that the Healing

and Law program may produce publications that will call for additional writings on law and contemplative practice. This might provide an opportunity for various Law Gathering participants to publish on their work. This potential opportunity could be explored directly with Dean Link at the Fetzer Institute (healingandthelaw@fetzer.org).

11. It was suggested that a clear statement of the goals and intentions concerning law and contemplative practice be developed to foster good public relations. Interested participants could spearhead this effort by preparing a first draft to be circulated among all participants.
12. It was suggested that various types of publications and a more sustained media effort be developed to bring attention to our work through regional bar journals, alumni association magazines, etc. The Law Program frequently collaborates with writers and publications. Much more can be done in this way. The Law Program supports increasing the number of articles and media reports on law and contemplative awareness.
13. It was suggested that a regular column in the ABA Journal be established to explore law and contemplation topics. Steve Keeva reports that he may be starting a monthly column soon, and he welcomes ideas and suggestions. You can contact him at skeeva@staff.abanet.org.
14. Steven Keeva: Re. my possible column: It looks likely to be a go. But I must make one thing clear: I can't focus on contemplative law any more than I can on healing and the law, collaborative law, or any number of other movements out there. I wish that weren't so, as I think there would be great value in bringing contemplative practice into the magazine on a regular basis. Still, I welcome suggestions on how to work it in more often -- if anyone has any.
15. It was suggested that human resource departments of large law firms be contacted and worked with. Several participants have experience in this area, including Ferris Urbanowski (feruski@gmavt.net) and Mary Mocine (marymo@worldnet.att.net).
16. It was suggested that the involvement of law school deans be encouraged. The Law Program considers laws school deans to be an important focus of its efforts, and has opened dialogue with the deans of several law schools.
17. Several other networking and outreach initiatives were suggested. In general, the Law Program supports these ideas, and is open to discussing them further with any participants who may be interested. These suggestions include that we:
 - o Support the development and distribution of teaching materials to teach law and contemplative practice in law schools.
 - o Collaborate with Inns of Court programs.
 - o Work toward establishing an ABA section on law and contemplation, such as an "Office of Lawyer Life" or "Lawyers Concerned for Lawyers.
 - o Identify churches and synagogues with high lawyer populations to publicize and promote law and contemplation initiatives.

Steven Keeva: Re. an ABA Office of Lawyer Life. It is, of course, a wonderful idea. Perhaps a way to introduce the idea to the association, would be through a couple of recent presidents, both of whom seemed to me to be fairly open to this kind of thing. One is the immediate past president, Bob Hirshon of Portland, Maine. The other is Bob's predecessor, Martha Barnett of Tallahassee. One of her good friends and Colleagues, Steve Hanlon, attended a retreat at Trinity and might be willing to broach the subject with her. At the very least she might be able to help us strategize further.

5.0 ACTIVITIES AND EVENTS

1. It was suggested that more opportunities to have and extend these important conversations involving spiritual growth and social justice be created. There are several ways of doing this. The listserv was launched to continue the conversations begun at the Law Gathering. There is also the

possibility of a follow-up gathering. This could be a second Law Gathering at Seasons in 2003, or take some other form. The Law Program may organize a follow-up Law Gathering if it is warranted by the activities and projects coming out of the 2002 Law Gathering, and if there is sufficient interest among the 2002 participants.

2. Steven Keeva: I will **always** have sufficient interest in this topic and this group to want to be there - wherever **there** is.
3. It was suggested that CLE programs on mindfulness and law be developed. The Law Program is exploring CLE credit for future law retreats. For example, the possible Bay Area law retreat may offer CLE credit.
4. Clark Freshman: My fourth suggestion is that we might offer some more specific and tailor made ways to integrate contemplative practices into various law school and CLE classes. Apropos, I've discussed writing up some exercises in greater detail with Len Riskin and developing some other teaching materials with Cheryl. Anyone else interested -- particularly as it relates to negotiation? A related suggestion is that some set of us might develop an at-home CLE class. The program that Joseph and others put together as a correspondence class on insight meditation is a real gold standard. Perhaps we could put something together in a similar way with some of the tapes and discussions from the past retreat. As a hybrid, perhaps some people could volunteer to answer questions by phone conference to groups around the country who might not be able to make a retreat.
5. It was suggested that focused inquiry into the key issues be engaged in through academic research. The symposium on law and mindfulness at the Harvard Law School in March 2002 provides a good start on this. Len Riskin's article was included in the pre-Law Gathering packet. The symposium was organized around this article. Several panelists, including Law Gathering participants Doug Codiga, Cheryl Conner, Clark Freshman, Charlie Halpern, Steve Keeva, Len Riskin and Ferris Urbanowski spoke at the symposium, which is available by webcast at http://www.pon.harvard.edu/news/2002/riskin_mindfulness.php3.) Essays by Doug, Clark, and Steve responding to Len's article are available in the Harvard Negotiation Law Review (Vol. 7, Spring 2002). Len's article identified several key issues. The Law Program encourages additional research and publication into on these key questions. This Report lists other important questions raised we raised at the Gathering. Grants and funding could support this research; at this time, however, the Law Program lacks funding to support this.
6. It was suggested that contemplative work within the prison system be further supported. Several participants are active in this area, including Mirabai Bush, Doug Codiga, Janine Geske, Mary Mocine, and Jackie St. Joan.
7. It was suggested that each Law Gathering participant submit a five-page write-up on an aspect of law and contemplation, and share this write-up with the other participants.

Several other events and activities were suggested. In general, the Law Program supports these ideas, and is open to discussing them further with any participants who may be interested. These suggestions include that we:

1. Support the development of law school courses utilizing contemplative practices.
2. Focus efforts on clinical faculty in law schools.
3. Organize a retreat for law school deans.
4. Introduce and incorporate contemplative practices in public issue discussion groups that explore controversial public topics.
5. Support inter-religious dialogue in the law.
6. Organize cross-profession retreats; e.g., doctors and lawyers, police and victims of police abuse, and other reconciliation retreats.
7. Introduce and incorporate contemplative practices in public issue discussion groups

8. Develop a system of justice-based ethics for lawyers.

Clark Freshman: On point 5.6 or so -- the suggestion of including contemplative practices in public issue discussion groups -- I have a specific follow-up suggestion. Many moons ago, I was a summer research assistant at the Charles Kettering Foundation. That foundation, along with Dan Yanklovich, runs a series of public issue discussion groups around the country through something they call the National Issues Forum. Among other things, they do research on how people's views change during the forums. It therefore might be possible to piggyback on that effort by having some of the local groups use contemplative practices; the research could then see whether this might have an effect (such as making participants have less polarized views). The head of the Foundation for years was David Mathews, and you may contact him and mention my name. After September, I will be more available, too, to help with follow-up on this, and it is something I'd be interested in on an ongoing basis. I do very much hope there is an additional gathering. One thing that might be considered is the balance of including people who participated before and including new people (who might then be introduced to what's been done and perhaps share some of their own practices). I rather liked the balance in general. On the other hand, it might be worth considering how one should handle the question of direction -- it's very common for lawyers to want to go "deep" into "fundamental" questions like "why are we here" and "tensions between __ and ___."

Steven Keeva: In thinking about bringing contemplative practice into law schools - which, of course, I think is a great idea - it seems to me that we need a good handful or so of sentences that can introduce the concept and make it attractive. For example, if we were to start off in either a talk or in literature by saying (or writing) something to this effect:

"In this age of unprecedented distraction and information density, every professional needs tools to clear the mind, calm the body and reveal what matters most. It is both a practical, and a personal necessity."

. . . .or something along those lines. At least then they'll know that we're addressing them as professionals (or budding professionals) and that this is absolutely related to their identities as law students and/or lawyers and or teachers.

6.0 IMPORTANT QUESTIONS

The following are important questions that may shape future collaboration.

6.1 What is our intention?

Steven Keeva: To introduce contemplative practices to lawyers, judges and law students who yearn for a different kind of connection to their work. Everything else - custom-designed programs for particular sectors of the profession, outreach of whatever kinds, etc. - would seem to flow from that basic intention.

6.2 What do we mean by "contemplative practice" or "contemplative awareness"?

Steven Keeva: The notion that contemplative practices have much to offer lawyers, and that using such practices to expand one's field of awareness is to change the way one relates to her life and to her work as a lawyer.

6.3 What is "it" that we want to share with others?

6.4 What is the relationship between contemplative awareness and social justice?

6.5 Are we about liberation or making "nicer" lawyers?

Steven Keeva: I think we're about creating a contemplative space in which any number of things can arise. Trying to make either nicer lawyers or enlightened lawyers seems to me to be a grandiose goal. I think we have to trust in the practices and in the people, and allow things to emerge.

6.6 Is contemplative practice a life skill, stress reduction, or a spiritual practice?

Clark Freshman: My third suggestion -- I think this follows up on the email by Steve Keeva and a different one by me -- is to tackle the question of choices from an additional angle. As it is, the document suggests a lot of choices, apropos of, Are we this (such as stress-reduction) or that (such as spiritual growth). I'd suggest introducing an overarching question: To what extent must we choose between seemingly different goals versus offer a forum for various related goals. In this sense, I'm rather taken by Joseph Goldstein's recent book, *One Dharma*. Among other important insights, he notes we need not oppose the view we practice for our own liberation and the view we practice for the liberation of all beings. As I understand it, as we practice for ourselves, "we" tend to care for "others" -- we see, for example, that we are not so separate as we thought. So, too, if we start trying to care for all others, we tend as well to care for ourselves.

Steven Keeva: Without a doubt, all of the above.

Lloyd Burton: One area which might benefit some additional attention in this regard (related to contemplative practice as "only stress reduction" vs. stimulating social and institutional change) is to have a closer look at how contemplative practices are being introduced into law curricula. So far it seems to be mostly for the purpose of aiding the mental health of practitioners in training. It seems to me that another fruitful area of inquiry might be how such perspectives might also at least be introduced into curricula on professional responsibility. E.g, if the current relentlessly adversarial and binary approach to dispute resolution appears to be doing positive harm to society in general and clients in particular in areas such as family law, criminal sentencing, institutional treatment, and the accommodation of cultural and religious diversity, is there some form of responsibility practitioners ought to be exercising that they currently do not to reduce or eliminate the "collateral damage" traditional legal processes seem to so regularly visit on everyone concerned (including the consciences of practitioners). This is not to argue that stress reduction and the mental well-being of practitioners-in-training is not an estimable goal, simply that it need not be the only one insofar as future curriculum development is concerned.

6.7 Is contemplative practice for lawyers a complete practice or is it a bridge to "real" spiritual practice?

6.8 Should we be concerned about the "legalization" of the dharma?

Steven Keeva: I don't think so, or at least I think we're a long way away from having to worry about it.

Clark Freshman: My second suggestion concerns the question of concern about the legalization of the dharma. I think it might be useful to phrase this as the question, What does law offer the dharma, and what might the dharma offer law? In my experience, it was helpful, as I think I mentioned in an email, to think of mental noting like finding the holding for a case -- depending on the purpose, one might note in various ways. (For example, in my own practice, I sometimes just note "thinking" and other times make more specific notes of the topics or scenarios.)

6.9 Does the terminology of "contemplative practice" connect or not connect with lawyers, law professors and law students?

Steven Keeva: In my experience the term "contemplative practice" hasn't always hit the mark. But when I then explain that I'm talking about the kind of practices that help one develop a more vibrant inner life -- things such as meditation, prayer, quiet time in nature, etc., people seem to have no problem with the concept. Some, of course, react to it very positively. I guess what I'm trying to say is that I haven't noticed much resistance in the legal world to the terminology.

6.10 Is our goal to relieve suffering?

Steven Keeva: I think that's part of our goal, along with deepening understanding, and illuminating the inner lives of lawyers.

6.11 What are the institutional impacts of contemplative awareness?

Steven Keeva: I think we encourage listening to really hear. Once either concept - advocacy or truth - is imposed on the process, something vital is likely to get lost, the field of awareness limited.

6.12 With contemplative practice, do we encourage listening for advocacy or listening for truth?

6.13 How do we penetrate mainstream legal institutions on matters of law and contemplation?

6.14 How do we stay within the depth of each spiritual tradition that is employed in this work?

6.15 How do we keep new ideas such as these from being chewed up and dismissed by the legal academy or the legal profession?

Steven Keeva: As more and more lawyers are introduced to contemplative practices, a certain sensibility will gradually find its way into the profession. To the extent that it is genuine and born of inner work/ awareness, no one can chew it up. They can try to dismiss it, but the dharma is resilient and have thrived much longer than the American legal profession.

7.0 Conclusion

The intention guiding the Law Gathering was to provide an opportunity to explore contemplative awareness in the law. As we talked about during the last session, future collaboration and mutual support are distinct possibilities. This report is offered as a next step in that direction.