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Contemplative Mind in Society

## The Meditative Perspective

### WORKING DRAFT

*prepared by the Working Group on Meditation and Law, April 2009*

Meditation is a tool that lawyers can use to cultivate skills and resources to improve their work in the legal profession—many lawyers will attest to this. Meditation has also been an object of scientific studies, whose results have led to more positive media attention on its benefits for health and well-being. In the legal profession, whose culture emphasizes speed, stress, and adversarial energy, meditation’s capacity to positively impact one’s view and style of work provides an especially attractive possibility. Practicing meditation and incorporating a meditative perspective can thus have a *transformative effect* on law practitioners and on the practice of law.

What exactly is meditation, one of the most prominent forms of “contemplative practice”? Broadly defined, a contemplative practice is any activity that quiets the mind in order to cultivate the capacity for insight. Among contemplative practices, mindfulness meditation proves to be an especially powerful medium, in part because it is simple to learn and incorporate into one’s daily routine. Mindfulness meditation is cultivated mainly through the practice of quiet sitting, of focusing on breathing and allowing thinking or emotion to come and go within one’s field of awareness. Once such a practice is established, it can be counted upon in a variety of circumstances. Its essence is simply being fully present with what happens in each moment of the day. It is a method to remain grounded and centered amidst the often contentious and stressful nature of the legal profession. With practice over time, mindfulness meditation fosters a more profound relationship with our thoughts, emotions, and, ultimately, ourselves. Meditation practitioners gain more choice and flexibility in our thinking and feeling as well as an increased capacity to embrace paradox and opposing viewpoints without losing balance or focus.

The radical change mindfulness meditation can foster is difficult to describe and inseparable from the practice itself; we call it “the meditative perspective.” It is the

outlook that gradually develops through meditation practice in our daily lives. Depending on one's own life circumstances, it can be stronger or weaker, immediate or the result of years of practice. The meditative perspective connects the focused inner sensitivity that meditation practice brings with our activity in work and relationships. By becoming more aware of ourselves through meditation, we become more aware of others, eventually gaining an enhanced appreciation and understanding of the impact of our actions in the world.

We think it is clear that such focused awareness can generate many benefits. For those in the law profession who undergo an inordinate variety of stresses, for example, the following values and skills, among others, can evolve with the meditative perspective:

- **Wisdom and Creativity.** The meditative perspective helps us to see things as they are, not as we wish they were. Consequently our decisions come from a more expansive place of understanding. By promoting flexibility of mind and heart and the ability to gain insight into and perhaps even let go of habitual patterns when appropriate and needed, the meditative perspective allows us to open to new approaches and novel strategies helping us to solve problems and accomplish objectives more effectively.
- **A Sensitive and Realistic Sense of Ethics.** With the meditative perspective we become more aware of the discomfort that comes with deviating from our internal values and considering unethical conduct, enlarging our resolution not to allow this to occur. Confidence in our commitment to this ethical path/approach brings courage and strength and allows us to nurture integrity in the midst of complex situations. It makes denial, distraction, and the demonization of others less of a default mode, and ultimately a choice we make less often.
- **Focus and Stability.** With the meditative perspective we are less obsessive, so there is more moment to moment focus on every situation, whether it is drafting a document, talking on the phone, meeting with a client, co-counsel, or adversary or appearing in court. Such clear and focused presence enhances effectiveness, and it also promotes stability and calmness—we develop an excellent antidote to stress. Focus further promotes empathic and accurate listening, enabling us to

listen better and more deeply to clients, colleagues, opposing counsel, judges, and ourselves. With listening comes clearer and more effective communication.

- **Patience and Sustainability.** The meditative perspective allows us to view problems as challenges to be solved, which in turn, strengthens vigor and commitment. It helps us to approach situations with a fresh perspective and to transform tendencies toward anger and self-righteousness into the energy needed to serve one's clients and justice more effectively.
- **Compassion and Empathy.** The meditative perspective helps us appreciate on a visceral level the interconnections among people and in life. It promotes empathy with clients, colleagues, opponents, and neutrals. It heightens sensitivity to suffering and opens the heart, allowing us to better apprehend difficult situations and handle them with a greater sense of ease. Thus, it promotes a whole life, providing greater insight into our own condition and that of others, our own needs and motivations and the needs and motivations of others, as well as the total situation in which we find ourselves.

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