



TOURO UNIVERSITY
JACOB D. FUCHSBERG LAW CENTER
Where Knowledge and Values Meet

Touro Law Review

Volume 28 | Number 4

Article 3

2012

Symposium Introduction: Humanism Goes to Law School

Marjorie A. Silver

Touro Law Center, msilver@tourolaw.edu

Follow this and additional works at: <https://digitalcommons.tourolaw.edu/lawreview>



Part of the [Legal Education Commons](#)

Recommended Citation

Silver, Marjorie A. (2012) "Symposium Introduction: Humanism Goes to Law School," *Touro Law Review*. Vol. 28: No. 4, Article 3.

Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol28/iss4/3>

This AALS Balance in Legal Education Symposium is brought to you for free and open access by Digital Commons @ Touro Law Center. It has been accepted for inclusion in Touro Law Review by an authorized editor of Digital Commons @ Touro Law Center. For more information, please contact lross@tourolaw.edu.

SYMPOSIUM INTRODUCTION: HUMANISM GOES TO LAW SCHOOL

Marjorie A. Silver*

INTRODUCTION

By now, the knowledge that law students experience more than their fair share of distress is old news. The studies about law student (and lawyer) unhappiness have been widely discussed in both academic literature¹ and trade publications.² Less well known, however, are the increasing number of programs that law schools, and individuals within those schools, have implemented to counter that distress, and to help students develop a positive professional identity,

* Professor of Law, Touro College Jacob D. Fuchsberg Law Center. My immense gratitude to all of the presenters at the January 6, 2012 AALS Balance in Legal Education Program in Washington, D.C., for providing me with information and checking my descriptions of their presentations: Kimberly Ambrose, Beth Bruno, Jane Gish, Victor Goode, Mary Dolores Guerra, Amanda Leipold, Scott Rogers, Amy Sanders, Julie Sandine, Michele Storm. Moreover, I wish to acknowledge their many contributions to humanizing the experience of law students and lawyers. Thanks, too, to my research assistant, Brittany Fiorenza.

¹ See Kennon M. Sheldon, Ph.D. & Lawrence S. Krieger, J.D., *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & L. 261, 275 (2004); Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112 (2002); Connie J.A. Beck, Bruce D. Sales, & G. Andrew H. Benjamin, *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & HEALTH 1 (1995); G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. B. FOUND. RES. J. 225 (1986); G. Andrew H. Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT'L J. L. & PSYCHIATRY 233, 233-34 (1990).

² See, e.g., Hollee Schwartz Temple, *Speaking Up: Helping Law Students Break Through the Silence of Depression*, A.B.A. J. 23 (Feb. 2012); Tyger Latham, Psy.D., *Therapy Matters: The Depressed Lawyer*, PSYCHOL. TODAY (May 2, 2011), <http://www.psychologytoday.com/blog/therapy-matters/201105/the-depressed-lawyer>; Bruce E. Levine, *Depressed Lawyers: A Little Help for my Friends*, HUFFPOST HEALTHY LIVING (July 24, 2008, 7:13 PM), http://www.huffingtonpost.com/bruce-e-levine/depressed-lawyers-a-littl_b_114857.html.

both as students and as the lawyers they are about to become.

A LITTLE HISTORY OF LAW AND HUMANISM³

The law and humanism movement first gained a core of proponents in the 1970s and early 1980s. While articles advocating for an approach that paid attention to the humanistic side of lawyering began appearing in the mid- to late sixties,⁴ it was in the late seventies and early eighties that the movement gained momentum. Perhaps it reached its apex in 1981, with the publication of *Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism*.⁵

For some, introducing humanism into the curriculum meant focusing on developing interpersonal skills;⁶ for others, like the authors of *Becoming a Lawyer*, it was a call for a more values-focused legal education. This focus on values however, was coupled with renewed attention to the human element in the law: the *human-beingness* of teachers, students and, most importantly, clients.⁷ The

³ The first two paragraphs of the following section are taken from the author's Introduction to THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION xxii-iii, xxvi (Marjorie A. Silver, ed., 2007) [hereinafter THE AFFECTIVE ASSISTANCE OF COUNSEL].

⁴ Walter Gellhorn, "Humanistic Perspective": A Critique, 32 J. LEGAL EDUC. 99, 99 (1982) (citing Charles A. Reich, *Toward the Humanistic Study of Law*, 74 YALE L.J. 1402 (1965) and Robert S. Redmount, *Humanistic Law Through Legal Education*, 1 CONN. L. REV. 207 (1968)). The Gellhorn article is interesting in and of itself. It is a rather venomous appraisal of the humanistic movement and the book, *Becoming a Lawyer*, see *infra* note 5. There is some history here. Somewhere in the bowels of my files, I discovered a photocopy of fascinating correspondence between Walter Gellhorn and Jack Himmelstein from the summer of 1978. Gellhorn politely but dismissively responds to a draft Himmelstein had apparently shared with him of Jack Himmelstein, *Reassessing Law Schooling: An Inquiry into the Application of Humanistic Educational Psychology to the Teaching of Law*, 53 N.Y.U. L. REV. 514 (1978).

⁵ ELIZABETH DVORKIN, JACK HIMMELSTEIN, & HOWARD LESNICK, *BECOMING A LAWYER: A HUMANISTIC PERSPECTIVE ON LEGAL EDUCATION AND PROFESSIONALISM* 2 (1981) [hereinafter DVORKIN ET AL.]. By 1983, Professor Elkins was already lamenting its decline. See James A. Elkins, *A Humanistic Perspective in Legal Education*, 62 NEB. L. REV. 494 (1983).

⁶ See, e.g., David M. Hunsaker, *Law, Humanism and Communication: Suggestions for Limited Curricular Reform*, 30 J. LEGAL EDUC. 417 (1979-80). Although this article, written by the professor of speech communication at the University of Virginia, acknowledged the "values" question, its primary focus was on the need for introducing interpersonal skill development into the law school curriculum.

⁷ DVORKIN ET AL., *supra* note 5, at 3.

book was an outgrowth of a federally-funded project based at Columbia Law School, the Project for the Study and Application of Humanistic Education in Law. The Project's mission was to address the perception that in the process of training law students to become lawyers, for the most part legal educators at best ignored and at worst dismissed attention to the core values that attracted many students to the study of law.⁸ These values included the desire to "help people," to "make a difference," to seek justice, to have a positive impact on the world.⁹ The intellectual indoctrination of law students distanced many from the ideals that provided a meaning for the work they wished to do,¹⁰ thus threatening to separate lawyers from their own moral core.¹¹

However, the movement to humanize legal education and the practice of law failed to seize the hearts and minds of the entrenched academy and bar. Nonetheless, it began to erupt in a variety of manifestations including Therapeutic Jurisprudence, Restorative Justice, Holistic Law and Transformational Mediation, which Professor Susan Daicoff would later dub "The Comprehensive Law Movement."¹²

⁸ *Id.* at 1-2.

⁹ For the past twenty-five years or more, towards the end of each semester in Professional Responsibility, I survey students' hopes and concerns about practicing law. The most common response to the question, "What excites you most about the law?" has consistently remained responses about the possibility of "helping others."

¹⁰ The European psychiatrist and concentration camp survivor, Viktor Frankl, developed the school of psychotherapy known as logotherapy, also known as "The Third Viennese School of Therapy." Its premise is that man's search for meaning is intrinsic to being human and vitally important in the pursuit of happiness. VIKTOR E. FRANKL, *MAN'S SEARCH FOR MEANING: AN INTRODUCTION TO LOGOTHERAPY* 104 (3d ed. 1984). One of several studies supporting his conclusion was a survey undertaken by Johns Hopkins of about 8,000 students from forty-eight colleges. When asked what they considered "very important" to them, sixteen percent chose "making a lot of money" compared to seventy-eight percent who selected "finding a purpose and meaning to my life." *Id.* at 105.

¹¹ DVORKIN ET AL., *supra* note 5, at 2. When I entered the University of Pennsylvania Law School in 1970, it was at the height of the Civil Rights movement and the opposition to the Vietnam War. Many if not most of my classmates shared the vision that armed with law degrees, we could be champions fighting for social justice and equality. Three years later, something happened. Most of my classmates sought and found jobs at prestigious law firms. Only a few of us maintained the ideals that drew us to the law in the first place. For studies demonstrating that wellbeing is nurtured far more by *intrinsic* rather than *extrinsic* rewards, see Sheldon & Krieger, *supra* note 1, at 263-64, 281 (discussed in Susan Daicoff, *Lawyer Personality Traits and their Relationship to Various Approaches to Lawyering*, ch. 3 in *THE AFFECTIVE ASSISTANCE OF COUNSEL*, *supra* note 3, at 92-93).

¹² For a summary of these developments, see Introduction, *THE AFFECTIVE ASSISTANCE OF COUNSEL* at xxiv-xxvii; see also Susan Daicoff, *Law as a Healing Profession: The "Com-*

Around the beginning of the century, and propelled by the energy and commitment of Professor Lawrence Krieger from Florida State University, a group of law professors forged an on-line Humanizing Legal Education (HLE) community.¹³ HLE attracted increasing numbers of participants, around the country and beyond, determined to find ways to (re-)humanize the law school experience.¹⁴ In January 2006, this group organized an all-day workshop at the annual meeting of the Association of American Law Schools (AALS) entitled *A Search for Balance in the Whirlwind of Law School*.¹⁵ The following year, the group successfully petitioned the AALS for provisional section status. Concerned, however, that the name “Humanizing Legal Education,” might be deemed insulting to some who thought the process already was humanizing, the section adopted the name “Balance in Legal Education” (“Balance Section”).¹⁶

In the several years since, the section has annually sponsored a series of successful programs at the annual AALS meeting,¹⁷ generally drawing large crowds of academics. The 2012 program, *Effective Faculty/Student Collaborations and Student Initiatives: Working*

prehensive Law Movement”, 6 PEPP. DISP. RESOL. L.J. 1 (2006).

¹³ In 1999, Professor Krieger started a Humanizing Legal Education listserv, and in late 2004, he and others formed the Humanizing Legal Education Association. Bruce J. Winick, *Foreword: What Does Balance in Legal Education Mean?*, 60 J. LEGAL EDUC. 107 (2010).

¹⁴ See Daicoff, *supra* note 12, at 49-50.

¹⁵ Winick, *supra* note 13, at 108.

¹⁶ *Id.*

After much debate, the board decided that the new section should not feature “humanizing legal education” in its name. We felt that language could be easily misunderstood, might be off-putting to some, and also might be too narrow in light of the many potential reforms that could improve legal education. The board, instead, adopted the broader title of the recent AALS workshop, and proposed the Section on Balance in Legal Education. The board submitted its petition in February, 2006; provisional section status was granted by the AALS in 2007.

Id. The AALS granted the Section permanent status in 2009. Bruce J. Winick, *Greetings from the Chair*, EQUIPOISE 1, 1 (Dec. 2009).

¹⁷ *Balance in Legal Education One Year Later* (2007); *What Does “Balance in Legal Education” Mean?* (2008); *Educating Lawyers and Best Practices for Legal Education: A Mandate to Humanize the Law School Experience?* (2009); *Who Am I? The Role of Legal Education in Shaping Professional Identities* (2010); *Beyond Humanizing: Can—and Should—Law Schools Strive to Graduate Happy Students?* (2011 Joint Program with the Section on Academic Support and the Section on Student Services); see *AALS Section on Balance in Legal Education*, FLA. STATE UNIV. COLL. OF LAW, http://www.law.fsu.edu/academic_programs/humanizing_lawschool/index.html (last visited Apr. 9, 2012).

Together to Enhance Students' Professional Identity and Personal Integrity, showcased collaborative efforts among administrators, faculty and students to address student wellbeing.

I was privileged to serve as Chair of the Balance Section in 2011, the year in which this program was planned. What follows is my attempt to capture the gist of the several excellent presentations from representatives of five different law schools. This will serve as well as an introduction to the other contributions to this symposium.¹⁸ A description of programs at my own law school (and the one at which this law journal resides), follows, along with some relevant strategies I have incorporated into my teaching. I conclude with some thoughts about where we might go from here.

VANDERBILT UNIVERSITY LAW SCHOOL¹⁹

In my experience, it is by virtue of one or two people in any given law school that serious attention comes to be paid to the emotional wellbeing of their students. At Vanderbilt University Law School ("Vanderbilt"), that person is the extraordinary Assistant Dean for Student Affairs, Julie Sandine. Dean Sandine, who currently serves as Secretary to the Balance Section, also chaired the Program Committee and served as moderator for the 2012 Program in Washington, D.C.²⁰ She brought with her a 2L student, Amy Sanders, who described the student-side of the collaborative efforts to attend to student wellbeing.

The Vanderbilt Student Health & Wellness Association (VSHWA) is a student-run organization created in 2008 by Meredith Blount, then a 3rd year law student at Vanderbilt. Its aim is to increase student success in law school and beyond by fostering a positive environment. Its initiatives include programming focused on

¹⁸ Scott L. Rogers, *The Mindful Law School: An Integrative Approach to Transforming Legal Education*, 28 *TOURO L. REV.* 1189 (2012); Gretchen Duhaime, *Practicing on Purpose: Promoting Personal Wellness and Professional Values in Legal Education*, 28 *TOURO L. REV.* 1207 (2012).

¹⁹ PowerPoints from this presentation created by Chris Meyers, Program Coordinator for the Office of Student Affairs, and Amy Sanders, supplemented by emails to the author from Amy Sanders and Dean Julie Sandine, provided the following information on the Vanderbilt Student Health & Wellness Association (on file with author).

²⁰ See *supra* note 17.

stress relief, mental wellness, and physical health. Based on studies confirming that health and outlook affect performance, VSHWA strives to empower students to deal with stress.

VSHWA works closely with Dean Sandine's Office of Student Affairs, as well as Career Services, the Tennessee Lawyer Assistance program (TLAP), the Vanderbilt Bar Association and other student organizations to achieve its mission. Annual events include *Navigating the 1L Year*, a stress management program, and *Grades: Myths and Realities*. VSHWA participates in the student organization fair and maintains a website linking to outside resources.²¹

Navigating the 1L Year is held during the incoming students' Orientation. It introduces the importance of wellness and balance in law school. A panel comprised of 2Ls discusses topics including study habits and school/life balance, Nashville, and information about wellness, mental health and relationships. But it's more than talk. During the week, VSHWA also schedules intramural sports and other physical wellness activities.

In collaboration with the Office of Student Affairs and TLAP, VSHWA offers several programs focused on substance abuse and mental health. In addition to a TLAP panel presentation, a program entitled *How to Drink Like a Lawyer* focuses on responsible social conduct for future attorneys. VSHWA also sponsors events that are alcohol-free, or that don't focus on drinking, as many law school gatherings do. In recognition of the March 2012 ABA Law Students Division Mental Health Day, VSHWA held a hike to focus on the connection between physical fitness and emotional wellbeing.²² Other programs focus on eating disorders, such as *What is Normal Eating? Unveiling Disordered Eating in a High-Stress Environment*.

VSHWA promotes activities designed solely for fun, a critical antidote to the intensity of law study. Its booth at the annual Student Organization Fair helps students find places to unwind: yoga classes, gyms, YMCA, massages, rock-climbing and dance lessons, to name a few. VSHWA sponsors an annual kickball game and encourages par-

²¹ *Vanderbilt Student Health & Wellness Association*, VANDERBILT UNIV. LAW SCH., <http://law.vanderbilt.edu/student-resources/student-organizations/vshwa/index.aspx> (last visited Apr. 9, 2012).

²² Email from Amy Sanders to Marjorie Silver, 4/4/12. Amy Sanders also reported that VSHWA had booked massage therapists to come to school on the last day of classes of the spring 2012 term. *Id.*

ticipation in community runs, such as the 5K Vanderbilt Commodore Trot. In September 2011, VHSWA joined with the Vanderbilt Art and Cultural Property Law Association (VACPLA), another of the Law School's student organizations, to sponsor an evening of Shakespeare in the Park. It co-sponsored *Dry Run* 5K for fitness in November 2011, and collaborated with the Vanderbilt Bar Association and the Office of Student Affairs to bring Comedians-at-Law²³ to the Law School in January of 2012 for an evening of entertainment and laughter.

Fully cognizant that stress doesn't end at graduation, VHSWA also strives to help prepare law students for life after law school, through programming it sponsors along with the Career Services office and other student organizations. Much of the career-focused programming is geared toward 2Ls and 3Ls. For example, together with representatives from the Tennessee Conference of Bar Examiners and TLAP, VHSWA offers a program on Character and Fitness application questions and answers. VSHWA also hosts practicing attorneys, who offer advice on client relationships, the stress of billable hours, and other law practice management issues. Another presentation introduces students to careers in the law apart from large firm practice.

Committed to ever expanding programming to support the healthy development of Vanderbilt students, VSHWA brought Wynne Kelly, Assistant United States Attorney for the District of Columbia and President of the Dave Nee Foundation, to campus in the spring of 2012. Kelly's *Uncommon Counsel*²⁴ presentation encouraged students to self-evaluate for depression and support classmates who may be struggling emotionally. After brainstorming stress-reduction techniques and explaining the dramatic impact of depression on productivity, Kelly highlighted mental wellness resources in the local community and noted the effectiveness of treatment.

Dean Sandine's Office of Student Affairs complements the VSHWA offerings in key respects. The multi-faceted programming provided by her office includes several non-credit offerings, including (1) Professionalism in Practice; (2) Supportive Practices and (3) a

²³ COMEDIANS-AT-LAW, <http://comediansatlaw.com> (last visited Mar. 22, 2012).

²⁴ UNCOMMON COUNSEL, <http://www.daveneefoundation.com/uncommon-counsel-0> (last visited Apr. 9, 2012).

year-long student well-being lecture series entitled *Building a Sustainable Law Practice – and Life!*²⁵

Professionalism in Practice

The Professionalism in Practice group evolved in the wake of the Carnegie report's focus on helping students develop positive professional identities.²⁶ First year students are invited to participate in this non-credit offering during Orientation. The group meets weekly in sections limited to twenty-five students during the first ten weeks of the fall semester. Despite the time famine experienced by 1L students, especially during that first semester, so many students want to participate that an additional section frequently has to be added. Writes Dean Sandine:

The small group setting provides an intimate and comfortable atmosphere, thereby stimulating meaningful dialogue and discussion about sometimes sensitive issues and helping students to see their place in this unique world early in their law school careers. This environment enables students to more effectively explore their role in the legal profession, and also serves to offset some of the negative effects of the unique and challenging law school experience. This context also enhances students' ability to discuss important and relevant ethical issues that will impact their professional lives and helps to make them feel more personally connected to the profession and able to value and maintain the intrinsic motivators that inspired them to

²⁵ Julie Sandine, *Vanderbilt University Law School: Non-Credit Offerings* (undated description provided to the author July 13, 2011); Letter from Julie Sandine, Assistant Dean of Student Affairs, Vanderbilt Law School, to author (undated) (on file with Touro Law Review); *Building a Sustainable Law Practice—and Life! Series*, Vanderbilt University Law School, Spring 2011 (undated document sent to author by Dean Sandine, July 13, 2011).

²⁶ William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Summary - Educating Lawyers: Preparation for the Profession of Law*, THE CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, 3 (2007), http://www.carnegiefoundation.org/sites/default/files/publications/elibrary_pdf_632.pdf; *Special Programs—Student Affairs*, VANDERBILT UNIV. LAW SCH., <http://law.vanderbilt.edu/student-resources/programming/index.aspx> (last visited Mar. 22, 2012). See also Duhaime, *supra* note 18, at 1210-11 (discussing Carnegie report).

pursue a legal career.²⁷

She further describes the advantages of this small group format as follows:

[These] offerings provide students with a safe environment within which they are able to engage in small group discussion of topics of relevance to all entering law students. Although many students are reluctant to admit having particular concerns or insecurities, once they are provided the comfort of a small group within which meaningful and honest discussion can occur, they are ready, willing and often relieved to discuss these issues of great concern, and are grateful to find they share similar perceptions and anxieties with their colleagues. This personal and meaningful interaction with their colleagues provides yet another benefit to our students.²⁸

Supportive Practices

The Supportive Practices group also began as a non-credit opportunity offered to 1L students during Orientation and met once per week for the first ten weeks of the fall semester, for a four-year period (from 2006 through 2009):

The intent of this group [was] to provide our students with skills that help in reducing stress, improving concentration, and enhancing self-awareness. The experienced practitioners who facilitated the Supportive Practices group during the past four years . . . have done an excellent job and incorporated not only mindfulness-based stress reduction, but also other techniques that have beneficial effects such as qi gong and cognitive strategies. While these methods do not resonate or prove effective for every law student, for many students, it has proved to be an important skill that has helped to reduce their stress and improve their

²⁷ Sandrine, *Non-Credit Offerings*, *supra* note 25.

²⁸ *Id.*

concentration and overall sense of well-being.²⁹

The group has transitioned into a 30-minute gathering that is open to all students, faculty and staff, which is scheduled twice weekly. Participants share a brief reflection and then meditate for the remainder of their time together. Dean Sandine has invited practitioners from Vanderbilt's Center for Integrative Health and other parts of the University to lead the meditation, which has further enhanced the experience for participants.

Lecture Series

In addition, beginning in the spring of 2011, Dean Sandine instituted a lecture series entitled, *Building a Sustainable Law Practice – and Life!*³⁰ Presented largely by outside speakers, the topics covered focused on the students' inner lives and the relationship of those inner lives to their chosen career. They included:

- *Thriving in Law School and Beyond: The Science of Resilience*
- *Two Aspects of Mindful Lawyering: Personal Authenticity and Judgment v. Compassionate Insight*
- *Integrating Soul and Role: Preparing for a Successful Legal Career*
- *Mindful Movement: The Benefits of the Age-Old Practice of Qi Gong*³¹

This series continued during the 2011-2012 academic year and included the following programs:

- *Career Killers* (presented by Tennessee's Lawyers' Assistance Program (TLAP))
- *Resilience Through Flexible and Accurate Thinking*³²

²⁹ *Id.*

³⁰ "Building a Sustainable Law Practice – and Life!" Series, *supra* note 25.

³¹ *Id.*

³² Dave Shearon, J.D., of Mobilizing for Action through Planning and Partnerships (MAPP) provided information and insights from the emerging area of Positive Psychology, which holds great promise for the legal profession. See, e.g., Martin Seligman, *Authentic Happiness*, UNIV. OF PA., <http://www.authentichappiness.sas.upenn.edu/default.aspx> (last

2012] *HUMANISM GOES TO LAW SCHOOL* 1151

- *Are You Only Using Part of Your Brain? How to Work Smarter, Not Harder*³³
- Movie Screening of *The Dhamma Brothers*³⁴
- Stress Management Program (presented by Vanderbilt's Psychological Counseling Center)
- *Restorative Justice*³⁵
- *The Cartoon Guide to Being a Lawyer in the New Economy*³⁶
- *Mindful Lawyering: Balancing Passion and Perspective*
- *Positive Relationships: One Key to Success as a Professional*
- *Mindful Movement* (Qi Gong)
- TLAP Mock Intervention³⁷

Vanderbilt truly has developed an impressive, comprehensive approach to addressing student wellness.

CUNY SCHOOL OF LAW

Professor Victor Goode, accompanied by CUNY law student, Jane Gish, described CUNY School of Law's ("CUNY") Contemplative Urban Lawyering Program (CULP). As set forth in greater detail

visited Apr. 2, 2012); Martin E.P. Seligman, Paul R. Verkuil & Terry H. Kang, *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 33, 35 (2001).

³³ Professor Douglas Herr, Psy.D., Vanderbilt Center for Integrative Health provided information from the area of neuroscience and steps one can take to be more efficient and effective, including nutrition, sleep science, and mindfulness meditation.

³⁴ The Dhamma Brothers, *East Meets West in the Deep South*, DHAMMA BROTHERS, <http://www.dhammabrothers.com/index.htm> (last visited Apr. 6, 2012). This film, sponsored in conjunction with the Vanderbilt Contemplative Pedagogy group and two graduate student organizations, related the experience of maximum-security inmates who participated in an extended Vipassana meditation retreat. It was a powerful demonstration of the transformative impact of meditation.

³⁵ The presenter was Seth Weiner, J.D., of Loyola Law School's Center for Restorative Justice.

³⁶ Janelle Orsi, *Birth of Sharing Law*, SHAREABLE: CIVICSYSTEM (Mar. 29, 2010, 7:13 AM), <http://www.shareable.net/blog/birth-of-sharing-law>.

³⁷ Volunteers with Tennessee's Lawyers' Assistance Program demonstrate the actual steps taken to intervene when a lawyer's substance abuse problems have reached the point that colleagues are concerned and recognize assistance is necessary. TENN. LAWYERS' ASSISTANCE PROGRAM, <http://www.tlap.org/Index.html> (last visited Apr. 9, 2012).

in the Appendix to this essay,³⁸ the contemplative practices journey at CUNY dated back to 2001 when, with some financial support from the Nathan Cummings Foundation,³⁹ the school began CULP to help students navigate the stress of law school.⁴⁰ Open to the entire community, the grant enabled the school to bring on board a meditation instructor and yoga teacher. These extra-curricular activities were aimed at reducing stress and preventing its more serious manifestations such as alcohol and drug abuse.⁴¹

Over time, faculty involved in CULP learned of related efforts at other law schools. The work of researchers like Professor Susan Daicoff and Larry Krieger demonstrated that “while most students enter law school with some desire to pursue justice, . . . by the time they leave that sense of purpose and idealism has been battered and all but disappears.”⁴²

CUNY’S mission was and is explicitly one of public service. Even though most of its students are drawn to CUNY because of this mission and are oriented to community law practice, they, like students at other institutions, struggled to find a “‘human’ way of practicing law while serving the public interest.”⁴³ More than extracurricular yoga and meditation was needed.

Professor Goode and some of his colleagues concluded that something was a course in contemplative practices for lawyers. Initial efforts to have the course approved at the law school were unsuccessful. However, with a 2007 grant from the Center for Contemplative Mind in Society⁴⁴ conditioned on institutional support, they

³⁸ Victor Goode, *Contemplative Practice and the Law, (L)ove in (A)ction with (W)isdom* (2011) (unpublished manuscript) (see Appendix attached).

³⁹ *Id.* at 1178; THE NATHAN CUMMINGS FOUND., <http://www.nathancummings.org/> (last visited Mar. 22, 2012); see CHARLES HALPERN, MAKING WAVES AND RIDING THE CURRENTS: ACTIVISM AND THE PRACTICE OF WISDOM (2008). In his compelling memoir, founding dean of CUNY School of Law and self-described social entrepreneur, Charles Halpern, describes his “accidental” introduction to meditation and how it has transformed his life. HALPERN, *supra* at 178 (“And then, through a chance encounter, I fell into the world of Buddhist-inspired meditation.”). Halpern served as president of the Nathan Cummings Foundation from 1989-2000. THE NATHAN CUMMINGS FOUND., *supra*.

⁴⁰ Goode, *supra* note 38, at 1178.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* at 1179.

⁴⁴ *Id.*; see THE CENTER FOR CONTEMPLATIVE MIND IN SOCIETY, <http://www.contemplativemind.org/> (last visited May 2, 2012).

succeeded in designing and offering “Contemplative Practice and the Law” for credit in the fall of 2008.⁴⁵ It has since taken its place in the standard curriculum,⁴⁶ and has served as an anchor for generating more “contemplative activities within the law school.”⁴⁷ These include the yoga program, occasional films and speakers, a labyrinth for meditative walks that is included as part of the incoming students’ Orientation program, and “a spring retreat to a Buddhist meditation center.”⁴⁸

CUNY law student Jane Gish spoke to how important CULP was in her ability to actually enjoy her time at law school. Jane shared her observations on why so many lawyers are unhappy. Happiness in one’s profession comes from doing work that you find meaningful. If there is a disconnect between what you do, and who you are, you are unlikely to find satisfaction with your work. This is the case for so many lawyers who are forced to play roles as their clients’ fiduciaries, and suppress their authentic selves.⁴⁹ As Jane wrote in an email summarizing what she recalled of her comments,

[F]or most people, not just lawyers, happiness [in] one’s career and professional activities happens when you care about what you do. Otherwise, there’s a disconnect between who you are and what you do. When that happens, a person isn’t grounded—there’s no source to feed a person’s natural propensities towards equanimity for weathering what happens in life and finding some level of tranquility.⁵⁰

Thus, CULP supports Jane’s and her classmates’ human need to stay grounded and focused on why they came to law school, and

⁴⁵ Goode, *supra* note 38, at 1179.

⁴⁶ *Id.* at 1180. The course “has been offered for four consecutive semesters” since fall 2008. *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.* For further details about the content and implementation of the course, see Goode, *supra* note 38, at 1180-86 (providing a useful template for other law schools considering such an offering); see also “Evaluation and Further Thoughts,” *id.* at 1186-88 (that acknowledges some of the challenges that he has faced, and that others may as well).

⁴⁹ See, e.g., Gerald Postema, *Moral Responsibility in Professional Ethics*, 55 N.Y.U. L. REV. 63 (1980) in RICHARD ZITRIN, CAROL M. LANGFORD & NINA W. TARR, *LEGAL ETHICS IN THE PRACTICE OF LAW* 19-21 (3d ed. 2007).

⁵⁰ Email from Jane Gish, CUNY Law Student, to author (Mar. 7, 2012, 9:53 EST) (on file with author).

what they plan to accomplish with their degrees. It helps them stay connected to their community, *and* to their humanity.⁵¹

UNIVERSITY OF MIAMI LAW SCHOOL

Scott Rogers,⁵² along with University of Miami Law School (“Miami”) student, Amanda Leipold, spoke about Miami’s Mindfulness in Law Program and the Insightful Mind Initiative. As Professor Rogers explains in his essay in this volume,⁵³ the fall 2008 Jurisight⁵⁴ class for 1L students was Miami’s first mindfulness offering, and has since become a staple for many 1L students.⁵⁵ Amanda and her three colleagues were part of the 8-week Jurisight class that Miami offered in the Fall 2009 semester, when, thanks to the support of the new Dean, Patricia White, the mindfulness program expanded. When the class had ended mid-semester, Amanda and three classmates approached Professor Rogers and complained of experiencing “Jurisight withdrawal”; they greatly missed the two hours each Friday afternoon that the course had met, and wanted to resume regular mindfulness practice as a group. Professor Rogers, in true Zen fashion, suggested they think about it some more. The following semester they returned with the idea to form a student organization. Again, Professor Rogers suggested they think about it some more and, if they then still wanted to do so, come back. They did, and at the end of their second semester the decision was made to form a student organization. The Dean of Students, Janet Stearns, was very supportive. The four students and Professor Rogers met several times and

⁵¹ Rumor has it, however, that Jane may have decided not to practice law when she graduates; I am told she has contemplated opening a bakery. Perhaps, this is consistent with something she added at the end of her email:

Folks in most movements (including the contemplative movement in the law) frequently suggest doing more. For the contemplative law movement, that means more reflection, more journals, more critical thinking about spiritual practices in the context of the law. I would suggest, perhaps, doing less. Less mental stuff. Less thinking. More playing!

Id.

⁵² Lecturer in Law and Director, Mindfulness in Law Program, University of Miami School of Law. Thanks to Scott Rogers for providing a summary of his presentation, from which the following is taken (summary on file with the author).

⁵³ Rogers, *supra* note 18.

⁵⁴ See JURISIGHT, <http://jurisight.com> (last visited Mar. 25, 2012).

⁵⁵ Rogers, *supra* note 18, at 1193, 1196-99.

mindfully explored the organizational structure and mission of the student organization. Out of this, The Insightful Mind Initiative (“Initiative”) emerged, with law professor Osamudia James serving as faculty advisor and Professor Rogers as mindfulness mentor. The Initiative is a student-run organization, in which Professor Rogers participates from time to time. Students from the Jurisight classes often will comprise the new group of 1L students who participate. Professor Rogers welcomes the collaboration of the Initiative with his Mindfulness in Law Program.

Amanda offered her perspective as one of the students responsible for creating the Initiative.⁵⁶ The group’s mission statement is as follows:

We, the members of the Insightful Mind Initiative hereby associate ourselves to create and offer a space where law students can gather to share, learn and practice mindfulness and other contemplative traditions. Together we will support the collective intention of developing skills to focus the mind and nurture the body. We will share tools and ideas to be at peace in life, and flourish in a high stress career. The organization will place the educational experience into perspective by serving others, and reaching out to and connecting with attorneys interested in contemplative practices.⁵⁷

The group’s meetings have three parts, with each board member facilitating the meeting on a rotating basis. It begins with ten minutes of a guided practice in which the facilitator teaches a breathing technique or guides a short meditation for the participants. That is followed by thirty minutes of reflective discussion in which the participants discuss their experiences and knowledge regarding a pre-selected topic, prompted by a book passage, video or poem. Topics have included the following:

⁵⁶ The following is taken from a handout Amanda Leipold prepared and distributed to the attendees at the January 2012 Balance program (handout on file with the author).

⁵⁷ *Id.*

- *Power of breathing and living in the moment*
- *Worrying about the future and regretting the past*
- *Distortions of the mind*
- *Self-love*
- *Negative emotions*
- *Compassion*

The meeting concludes with “Quiet Restoration,” in which the participants enjoy twenty minutes of quiet sitting.⁵⁸

The scope and depth of Miami’s Mindfulness in Law program, described in detail in Professor Rogers’s essay in this symposium,⁵⁹ is quite extraordinary. The student-based Initiative adds to the richness of this powerful development enhancing the wellness and professional identity of so many lawyers and law students.

PHOENIX LAW SCHOOL

Phoenix Law School is very young, yet has built an impressive record of achievements in that short time.⁶⁰ Not the least of its achievements is its focus on the wellbeing of its students and the lawyers they will become. Professor Mary Dolores Guerra, who teaches Commercial Law, Alternative Dispute Resolution, Business Associations, and Interviewing and Counseling, described how she has used reflective journaling in her courses for several years. Professor Guerra has journaled since she was a child, and it has often helped her make sense of her life and the challenges she has faced.⁶¹

⁵⁸ For those interested in further information, Amanda provided the following resources of Mindfulness-Oriented Student Organizations: www.mindfullawstudent.com (National website for Mindfulness Student Organizations); www.insightfulmindinitiative.com (Insightful Mind Initiative website); www.facebook.com/IMI.at.UM.Law (Insightful Mind Initiative Facebook page).

⁵⁹ Rogers, *supra* note 18.

⁶⁰ See PHX. SCH. OF LAW, <http://www.phoenixlaw.edu/> (ABA full accreditation, (June 2010); PSL News: *e.g.* named top school for diversity, highest bar pass in Arizona) (last visited Mar. 9, 2012). The law school opened its doors in 2005. *Educ. Grad Sch.: Phoenix Law Sch.*, U.S. NEWS AND WORLD REP., available at <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/phoenix-school-of-law-03197> (last visited Mar. 22, 2012).

⁶¹ Mary Dolores Guerra, *Student Self-Assessment Book (SAB): Reflective Thinking and Journaling in Law School*, 2010 THE LAW TEACHER 1, 6 (2010) [hereinafter Guerra, *Student Self-Assessment Book*]; Mary Dolores Guerra, *Law School Revisited: Reflections on Being a*

Although many of the students have *hated* writing these reflections, she has found that they improved the students' understanding of the material and performance on exams.⁶²

It was at the January 2010 Balance Section's program at the AALS meeting that Professor Guerra first learned about the Humanizing Legal Education movement.⁶³ She then decided to add weekly reflection questions that would tap into her students' "creative and intuitive side[s]."⁶⁴ In alternate weeks she gives them a problem based on class material to solve and then reflect on how they solved the problem.⁶⁵ Every other week, she gives the students the option to reflect on a "Balance in Legal Education" question, or do one of the following for at least 30 minutes: play a team sport, take a mindful walk, meditate, hike or bike. She then asks them to write about how (or if) the activity allowed them to find balance in their lives. Her "Balance in Legal Education" questions include the following:

- *My perfect job*: "Do the following: Set a timer for two minutes, start writing your answer to the following question (don't worry about spelling or structure, just write for the 2 minutes): If you could do any job that you wanted to, without worries about money or time, what would it be? After you have written your response, reread it and answer: What does this response tell you?"⁶⁶
- *My perfect day*: "Describe your perfect day. When was the last time you had one or one close to it? What information, if any, does your answer give you?"
- "Please listen to a piece by Mozart. Write your response to this music. What piece did you listen to? What did you think? What did you

1L, 4 PHOENIX L. REV. 273 (2010) [hereinafter Guerra, *Law School Revisited*].

⁶² Guerra, *Self-Assessment Book*, *supra* note 61, at 7-8.

⁶³ *See id.* at 7.

⁶⁴ *Id.*

⁶⁵ Unless otherwise indicated, the following information was gleaned from Professor Guerra's oral presentation and PowerPoints at the January 2012 program (PowerPoints on file with the author).

⁶⁶ Guerra, *Self-Assessment Book*, *supra* note 61, at 7.

feel?”⁶⁷

- “When you first applied to law school you prepared a ‘personal statement.’ Please locate it, read it and explain how and if your ideals and ideas about law school have changed.”⁶⁸
- *Thank you*: “Make a list of people who have helped you along the way. Next to their name, make a list of the things they did or said that helped you. Pick one person from your list and write them a “Thank you” letter. It can be brief or long; you decide what needs to be said. You also can decide if you want to mail it to that person. [Reflect on] what it felt like to do this assignment.”

Although students’ responses to doing these exercises were mixed, Professor Guerra concluded that the benefits were several.⁶⁹ In addition to improved understanding of the material and better test scores, students gained new insights and, through sharing their entries with their classmates, increased camaraderie.⁷⁰ Moreover, Professor Guerra found that she reaped great benefits.⁷¹ The reflections give her insights into what worked for her students and what did not so that she could appropriately adapt her teaching techniques. Moreover, creating the questions tapped into *her* creative side and reading her students’ responses connected her to her students in a whole new way.⁷² “When I sit and read a student’s [entry], it’s like sitting with a friend and listening to their story. It warms my heart to no end.”⁷³

In addition, Professor Guerra pauses in her classes for a “moment of silence.”⁷⁴ As she writes:

Taking a moment of silence allows students to clear their minds of the static of their busy days. It allows

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ Guerra, *Self-Assessment Book*, *supra* note 61, at 7.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Guerra, *Law School Revisited*, *supra* note 61, at 281.

them to find tranquility and balance and to direct their already-sapped energy resources at the daily tasks of the class. Since tranquility is essential for focus, silencing the chaos in a first year student's mind is essential to reaping the best benefits of their efforts.⁷⁵

Professor Guerra is teaching her students to be *reflective* learners. Reflection is a critically important lawyering skill,⁷⁶ one that is often neglected in the core curriculum of most law schools. Students must ask themselves not only "what have I learned?" but "why is that important?" Even more so, as they embark on a career marked by many stresses, they must ask themselves "how does what I am learning relate to who I am?" Only by understanding the relationship between their core values, strengths and desires will students be able to make wise choices about their future careers.

What Professor Guerra might not realize, however, is she is also providing a model for her students of what it means to be a professional. Not the traditional model of the button-downed lawyer in a three-piece suit delivering a scathing cross-examination of his adversary's client, perhaps. Rather, an alternative model that will not resonate for *all* of her students, but that will be critically important for a subset. Clearly, one of those students is Beth Bruno.

Beth accompanied Professor Guerra, and shared her personal story.⁷⁷ In her first semester of law school, right when her final paper was due, her computer crashed, wiping out many weeks of hard work and research. This resulted in Beth's receiving a grade of F for that course. She was devastated. She saw all her hopes and dreams for becoming a lawyer dissolving in an instant. Her intention to be in the top ten percent of her class vanished, along with her expectations of ever securing legal employment.

She called her husband, a paramedic firefighter with the city of Phoenix, who came home to find her sobbing uncontrollably. She had been crying for three hours. Unsure of how to comfort her, her

⁷⁵ *Id.*

⁷⁶ See, e.g., J.P. OGILVY ET AL., LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS, ch. 9, *Reflective Lawyering* (2nd ed. 2007); see also Duhaime, *supra* note 18, at 1223-28.

⁷⁷ What follows are Beth's recollections of her presentation. Telephone conversation between Beth Bruno and author, March 12, 2012.

husband told her about something that had happened during his prior shift. He had received a call to assist a woman in labor. When he arrived, he could see a foot emerging from the mother's birth canal. A breach birth. Then he discovered that there were twins, and that the mother had gone into premature labor. To complicate matters, the father sat right next to him in the ambulance, as he felt around to discover that the umbilical cord was wrapped around Baby #1's neck. Clearly, this was a life and death situation, played out in the immediate presence of the father. As if the matter were not already sufficiently unnerving, the father informed him that his wife had discovered she had cancer shortly after learning she was pregnant. Not wanting to jeopardize the wellbeing of her babies, she had delayed radiation treatment for the cancer. As Beth's husband began to deliver Baby #1, the head got stuck in the birth canal. After some time, her husband finally freed the head and delivered the baby, sure that it was stillborn.

The ambulance arrived at the hospital before the second baby was delivered. Beth's husband waited around, and was soon congratulated by hospital personnel who informed him that Baby #1 was fine, as was Baby #2.⁷⁸

Hearing this account helped Beth put her own situation into perspective. How had she gotten so wrapped up in the drama of law school and grades that she had forgotten what was really important? She realized that she had obsessed about that paper, devoting almost all of her waking hours to researching, writing and rewriting it. And then it was gone in an instant.

This led Beth to research law students and health, and she learned what she had experienced was, unfortunately, all too widespread. New law students are told to be selfish, to tell their families there won't be time for them; such an unhealthy and unrealistic message. Beth decided it was time to focus on her emotional and psychological wellbeing, as well as on the people who mattered. She began her quest to put school in perspective, to find some balance.

Professor Guerra's Commercial Law class came as a welcome surprise. Beth loved that she was required to keep a reflective jour-

⁷⁸ The mother, unfortunately, lost her battle with cancer in 2009. The twins, however, are thriving, and the father keeps in touch with Beth's husband, who is clearly one of the many unsung heroes who walk this earth.

nal, what Professor Guerra called a “self-assessment” book. Beth used it for everything pertaining to the class, for her notes and outlines as well as the assigned journaling questions. She found that the process of writing about what was covered in class helped her to retain the material which, in turn, helped to decrease her doubts about her becoming a lawyer. Professor Guerra’s class was one of the main inspirations for Beth’s decision to stay in the law. Thereafter, she helped plan the school’s April 2012 *Lawyers as Peacemakers* conference,⁷⁹ yet another manifestation of Phoenix’s commitment to a more humanistic approach to the practice of law.

UNIVERSITY OF WASHINGTON SCHOOL OF LAW

The final panel presentation by Michele Storm⁸⁰ and Kimberly Ambrose,⁸¹ showcased somewhat different kinds of collaboration among students, faculty and administrators. The University of Washington School of Law (“UW Law”) seeks to engage law students about professional identity development from the very beginning of their journey through law school.

Foundations for Legal Studies

In 2007, UW Law started its Foundations for Legal Studies program. In some ways it resembled a traditional orientation program designed to introduce students to case analysis, legal processes

⁷⁹ *Lawyers as Peacemakers and Healers: New Directions in the Practice of Law*, A Conference at Phoenix Law School, April 13-15, 2012; see *Lawyers as Peacemakers and Healers*, PHOENIX SCH. OF LAW, www.phoenixlaw.edu/lawyersaspeacemakers (last visited Mar. 25, 2012). When we spoke, Beth was studying for the July Bar exam, tutoring, and looking for permanent employment, hopefully in the areas of child advocacy or domestic violence.

⁸⁰ *Michele Storms*, UNIV. OF WASH. SCH. OF LAW, <http://www.law.washington.edu/Directory/Profile.aspx?ID=215> (last visited Apr. 9, 2012). Assistant Dean and Executive Director, William H. Gates Public Service Law Scholarship program, University of Washington School of Law. *Id.* Most of what follows comes from three University of Washington School of Law handouts distributed at the program: *Student Legal Action Projects*, *Mentoring, Leadership and Support*, and *The Foundations for Legal Studies Program: Integrating Professional Identity from Day One*, as well as a March 9, 2012 telephone conversation between Dean Storms and the author (handouts on file with the author).

⁸¹ *Kimberly Ambrose*, UNIV. OF WASH. SCH. OF LAW, <http://www.law.washington.edu/directory/profile.aspx?ID=114> (last visited Apr. 30, 2012). Lecturer and supervising attorney for the Children and Youth Advocacy Clinic, University of Washington School of Law. *Id.*

and practices. What was perhaps novel was the use of local cases and the lawyers who litigated those cases. Students' reaction to the program was largely positive. In the third year of the program, however, some students identified missed opportunities to discuss issues of race and other controversial concerns, such as poverty and access to justice. Thanks to the collaboration of students, faculty, administrators, and local lawyers, the program now engages students around issues of race and other sensitive subjects. The cases chosen raise such issues, and the lawyers who litigated those cases are able to model for students how to have conversations around difficult-to-discuss issues that affected the cases or the parties.

Mentoring

In addition to the Foundations for Legal Studies program, incoming students are matched with attorney mentors with similar interests before the 8-day program ends and regular classes begin. Mentors meet with their mentees throughout the academic year to offer guidance and encouragement, facilitate networking opportunities and share specialized knowledge. Experience has shown that mentor/mentee relationships can influence the academic and career choices students ultimately make.

Especially (but not only) for students who may not have any attorneys in their families—or even *know* any attorneys—this relationship, which continues throughout the first year of law school, and often beyond, is vitally important to help students envision the lawyers they will become. It gives each student a connection to a lawyer living and practicing in the community. The students get to learn about, and appreciate the challenges of, how lawyers make all the pieces fit together in their lives and in their practice. And these liaisons offer an opportunity for new students to understand how what they are learning—content that often in the first year seems far removed from what brought them to law school in the first place—relates to what they will be called upon to do and to know in practice.⁸²

⁸² Students are paired with upper level student and faculty mentors as well.

Center for Professional and Leadership Development

As stated in its handout, *Mentoring, Leadership and Support*, “The Center for Professional and Leadership Development (CPLD) invites students to partner in advancing their careers by providing professional development coaching, recruiting opportunities, electronic job-search tools, and events.”⁸³ The Leadership Development program serves both to identify strengths and weaknesses and to assist students in achieving their leadership potential. The University of Washington School of Business Center on Leadership and Strategic thinking administers a Leadership assessment during the 8-day program, an instrument borrowed from the University’s business school and adapted for the legal profession. These diagnostics are aimed at identifying student strengths as well as the skills the student needs to develop further. Law faculty offer lectures related to leadership concepts once a quarter. These lectures address issues such as *Working with People*, *Emotional Intelligence* and *How to have Difficult Conversations*,⁸⁴ subjects rarely addressed in traditional law school courses.

Student Legal Action Projects

While the mentorship program serves as an introduction to what it means to be a lawyer, the law school also offers their new students many opportunities for actual public service experiences, under the guidance of pro bono attorneys and other legal services providers through Washington’s Student Legal Action Projects. Students may choose among ten or so projects, some of which have been generated by students. Some projects offer the opportunity to work directly with clients, such as the Street Youth Legal Advocates of Washington, in which law students represent clients in having their

⁸³ Handout, *Mentoring, Leadership and Support*, *supra* note 80.

⁸⁴ In addition, students have the opportunity to take one of two classes specifically on leadership skills and their relationship to professionalism. *School of Law Course Catalog 2011-2012*, UNIV. OF WASH. SCH. OF LAW, <http://www.law.washington.edu/coursecatalog/CourseList.aspx?YR=2011&Tp=TOPIC&Cd=LAWYERING> (last updated Jan. 3, 2012). Dean Storms co-teaches one of those classes, in which she raises issues of power and oppression in the legal system, enabling students—majority and minority—to contextually situate themselves in the system and explore the implications of power dynamics for them personally, as well as for the profession.

juvenile records sealed.⁸⁵ Another is the Immigrant Families Project in which students interview undocumented clients who have suffered emotional or physical abuse at the hands of their citizen or documented spouses, and prepare the affidavits which form the bases for petitions to legalize their clients' status.⁸⁶ While not a requirement, the majority of students choose to participate in this program.

Support

"Understanding that sometimes people need help and that it is completely appropriate to ask for it, the law school maintains a contract with a professional practicing psychologist (who is also a licensed lawyer) to provide therapy for students in need."⁸⁷ This access to therapy has been an incredibly valuable resource for UW Law students. Washington is blessed with having as a therapist one of the foremost experts on law student distress and what to do about it. Dr. Andrew Benjamin, J.D., Ph.D., ABPP,⁸⁸ was one of the first researchers to document the statistically startling negative effect of law school on the wellbeing of law students,⁸⁹ as well as the continuing problems of alcohol abuse and other mental health problems among the practicing bar.⁹⁰ Dr. Benjamin is a practicing clinician who works with students struggling with the myriad of life events and illnesses that may derail a student's wellbeing.

Taken together, these several programs that UW Law offers its students address many of the needs that are often neglected as stu-

⁸⁵ REV. CODE WASH. (ARCW) § 13.50.050(12) (2012).

⁸⁶ See 8 U.S.C. §1154 (2006 & Supp. III 2009) (outlining the procedures necessary for abused spouses to become lawful residents pursuant to Violence Against Women Act 2005); see also IMMIGRANT FAMILIES ADVOCACY PROJECT (IFAP), <http://uwifap.wordpress.com/about-2/> (last visited Mar. 22, 2012).

⁸⁷ Handout, *Mentoring, Leadership and Support*, see *supra* note 80.

⁸⁸ Director, Parenting Evaluation/Training Program—Affiliate Professor of Law & Clinical Professor of Psychology, University of Washington.

⁸⁹ G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, *supra* note 1.; G. Andrew H. Benjamin & Stephen B. Shanfield, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65 (1985).

⁹⁰ Connie J.A. Beck & G. Andrew H. Benjamin, *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & Health 1 (1995); Elaine J. Darling & Bruce D. Sales, *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT'L J.L. & PSYCHIATRY 233 (1990).

dents embark on their journey through law school, thus creating a foundation for their healthy professional development, both while they are in school, and thereafter as practitioners.

TOURO LAW CENTER

This section is about my school, The Touro College Jacob D. Fuchsberg Law Center, and our initiatives to enhance the wellbeing of our students. This is something I have cared deeply about for many years, and I have been privileged to be an active participant in several of the programs we have implemented over the last few years.

In January of 2010, after students had received their first semester grades, and as part of what we then called “Continuing Orientation,” we organized Stress Relief Groups for first year students.⁹¹ I enlisted several empathetic colleagues from the faculty and administration to facilitate sixteen groups of no more than fifteen or so students. All students were assigned to read Professor Lawrence Krieger’s excellent pamphlet, *The Hidden Sources of Law School Stress*,⁹² and asked to reflect, in writing, about it. Professor Krieger’s pamphlet discusses the unfortunate statistics regarding what happens to students within six months of beginning law school and, more importantly, provides concrete advice and exercises to empower students on how to shield themselves from excessive stress and depression.

I held “training” sessions with my colleagues, devised a basic outline for how the facilitators might conduct their groups, and demonstrated two exercises they might employ. Afterwards, we held a “debriefing” session. Although results were mixed with respect to how successful the sessions were, all of the facilitators agreed this was an endeavor worthy of time and energy—both ours and our students.⁹³ These sessions were followed by the second part of Continu-

⁹¹ What had been my aspiration became a reality with the addition of our Director of Student Services, Marie Koch, who enthusiastically embraced the concept for enhancing student wellness. When Assistant Dean for Student Affairs, Charlotte Taylor, joined the administration in the summer of 2010, the program gained additional support. Students were required to participate in these groups. However, as the school had no sanctions for failure to participate in this non-credit requirement, not all students complied.

⁹² LAWRENCE S. KRIEGER, *THE HIDDEN SOURCES OF LAW SCHOOL STRESS: AVOIDING THE MISTAKES THAT CREATE UNHAPPY AND UNHEALTHY LAWYERS* (2005).

⁹³ Here are some of the notes from the debriefing meeting:

ing Education that focused on wellness: a presentation by our local Lawyer Assistance Program (LAP), consisting of a screening of a short documentary prepared by David Jaffe, Associate Dean for Student Affairs at the American University Washington College of Law, *Getting Healthy, Staying Healthy*,⁹⁴ a presentation by a LAP program representative on the stresses of law school and the services available from LAP, a member of the Disciplinary Committee or a Character & Fitness representative to discuss the relationship between LAP issues, admission to the bar, and disciplinary problems, and a lawyer in recovery, sharing his or her story.

After this initial experiment, we transformed the program for the class beginning in the fall of 2010. Based on our investigation of the success of peer helpers at other institutions of higher learning, we instituted the SHS program: Students Helping Students. In August,

First, it was remarkable how varied the experiences we all had with our groups, ranging from terrific discussions to students who didn't want to share at all, from groups who seemed to genuinely welcome this opportunity to those who resented having to take an hour out of their busy lives to talk about stress.

The sources of stress among our students appeared somewhat varied as well, including financial worries (*i.e.* whether there would be jobs when they graduate), the competitiveness they experienced among their peers, and lack of enthusiasm for continuing to work so hard after disappointing first semester grades (is it all worth it?).

There certainly seemed to be consensus among us that there was true value in having these groups, even if our views on the details varied somewhat. Feedback from students, and a general though not universal agreement among our group, supported moving the meetings from second semester to sometime after [first semester] midterm grades are released.

There was also some consensus that the groups would work best if they were smaller (no larger, I would suggest, than 8-12 students per group) and, that despite the opinion of some students that they would rather be in groups with students from other sections, that both the logistics and the familiarity within the section supports maintaining homogeneous groupings (although it isn't necessary that students be with their Legal Process groups, and there might be a benefit in some mixing within the sections).

Memorandum from the author to Facilitators in Pilot Stress Relief Groups (Mar. 6, 2010) (on file with author).

⁹⁴ *New Educational Video Encourages Law Students to Face Substance Abuse Problems*, WASH. COLL. OF LAW (Nov. 23, 2009), <http://www.wcl.american.edu/news/gettinghealthyvideo.cfm>.

with the assistance of the director of the New York State Lawyer Assistance Program, Patricia Spataro, we trained about fifteen upper class students whom we identified as having the necessary skill set to provide support to their newer peers. These students were to serve as additional entry points for students in need to access necessary services. We borrowed the concept from “natural helper” programs. These programs identify those persons in a community to whom others *naturally* turn for advice and support.⁹⁵ We structured SHS so that students could access help from other students in complete confidence.⁹⁶ We made clear that the SHS assistants were *not* to attempt to provide services themselves, but rather to connect the students with needs to the appropriate professionals.⁹⁷ Of course, the assistants were not only permitted, but encouraged, to provide advice for which *they* were the experts: what professors’ expectations might be, how to juggle all the demands on the new law students’ time, how to effectively communicate to family why they had to spend so much time studying, and other difficult but common questions with which so many new law students struggle.

It was our hope that these SHS assistants would be proactive as well as reactive, that they would be the eyes and ears that might learn of problems students experienced that might not otherwise come to the attention of anyone in a position to help.

Based on our experience with the program during the 2010-11 academic year, we tweaked the training for SHS students before the 2011-12 year.⁹⁸ We created a TWEN⁹⁹ page for students to schedule

⁹⁵ “Natural helpers, as the name suggests, are people to whom others ‘naturally’ turn for help. They have a reputation in the communities for being respected, trusted, good listeners, responsive to the needs of others, and in control of their own life circumstances.” Caroline Bishop et al., *Implementing a Natural Helper Lay Health Advisor Program: Lessons Learned from Unplanned Events*, 3(2) HEALTH PROMOTION PRAC. 233-44 (2002).

⁹⁶ Confidentiality extended to all communications, save those that suggested a student might be at substantial risk of harm to self or others.

⁹⁷ Given that some of the SHS students actually had mental health or other relevant training, this was, in some cases, rather a difficult challenge.

⁹⁸ We were ably assisted by the Director of the New York City Lawyer Assistance Program, Eileen Travis. Eileen also recruited a local therapist, Beth Eichhorn, who had educated herself about law student and lawyer distress. She provided additional sound advice on how the SHS assistants might recognize and respond to their peers suffering from major depression and anxiety.

⁹⁹ TWEN is the acronym for The West Education Network, a virtual adjunct to law school classrooms, student organizations, and other programs.

appointments with the assistants. We advertised the program to the student body in several ways: an introduction during Orientation, information with the SHS students' photos (to increase face recognition) distributed via email and posted on easels in the main corridor. From time to time, our weekly e-newsletter, *The Touro Times*, would remind students of the program's existence.¹⁰⁰

The Face of Depression

In April of 2011, I worked with the Office of Student Services and two other lawyers to present a program on depression, entitled *A Terrible Melancholy*.¹⁰¹ The title comes from an excellent video produced by Dan Lukasik about depression in the profession and in law schools.¹⁰² Dan, an Erie County lawyer, who himself suffers from clinical depression, has engaged in extensive outreach to fellow sufferers. He has written about his own experiences and maintains a website which is loaded with relevant information and resources.¹⁰³ The program consisted of a one-hour screening of Dan's video, with the panel following up during a subsequent hour that included Dan, myself, and Andrew Sparkler, one of the founders of the Dave Nee Foundation.¹⁰⁴ Dan and I both shared our personal experiences with major clinical depression. Andrew spoke about his former Fordham Law School classmate, Dave Nee, who committed suicide while studying for the bar exam after graduation, and how Andrew and other close friends were oblivious to the signs that Dave had been struggling with depression.¹⁰⁵ In April 2012, the Office of Student Ser-

¹⁰⁰ The *Touro Times* also generally contains information about counseling services available to the students as well, including contact information for the Lawyer Assistance Program (LAP), the school's contract psychologist, and the student LAP representative.

¹⁰¹ We ran the program twice in one week, to accommodate day and evening students.

¹⁰² *A Terrible Melancholy: Depression in the Legal Profession* (2010).

¹⁰³ *Id.*

¹⁰⁴ DAVE NEE FOUND., <http://www.daveneefoundation.com/> (last visited Apr. 30, 2012). The Dave Nee Foundation strives to bring important information to law students across the country so that what happened to their friend need not happen to any other law student. *Id.* See *supra* text at note 24.

¹⁰⁵ I have since learned that Dave Nee had a history of clinical depression, something of which his close friends were completely unaware. The shame and stigma that still permeates our culture regarding mental illness is a major reason that I choose to tell my own story. See, e.g., *A Transformational Melancholy: One Law Professor's Journey through Depression*, available at <http://ssrn.com/abstract=1908992>.

vices and the Disability Law Society sponsored a similar program, *Coping with Stress, Anxiety and Depression*.¹⁰⁶

I have focused here on the initiatives with which I have been directly involved. In addition, Touro Law Center, for many years, has contracted with a psychotherapist to provide free counseling to students. Touro was the first of the New York state law schools to institutionalize the selection of a student LAP representative, who is trained by state LAP directors.¹⁰⁷ Last year, the SBA sponsored a Mental Health Day that will, hopefully, become an annual event. At this event, various student groups sponsored tables offering mental health information, stress relief activities, and a healthy food station where smoothies and salad were served. The Students Helping Students assistants staffed a table aimed at bringing awareness to the group and what they offer. The school psychotherapist was in attendance to meet with students and arrange appointments.

A Personal Story

I wanted to be a law professor because I was one of those nerds who loved law school. I loved the Socratic battle of wits that occurred in every one of my classes at the University of Pennsylvania Law School, from which I graduated in 1973. It was the intellectual challenge that drew me to law teaching in 1983 after a decade as a lawyer in the federal government, and, in the early years, I found myself trying to emulate one of my favorite teachers, A. Leo Levin.¹⁰⁸

¹⁰⁶ THE TOURO TIMES, <http://www.tourolaw.edu/pdf/TT12APR16REV4.pdf> (last visited Apr. 24, 2012).

¹⁰⁷ December 13, 2002 Interview of Kenneth Rosenblum by Barbara Smith, NYLAT Executive Director; NYLAT, <http://www.nylat.org/law-school/> (last visited Apr. 30, 2012).

¹⁰⁸ See UNIV. OF PA. LAW SCH., <http://www.law.upenn.edu/cf/faculty/llevin/> (last visited Apr. 30, 2012). A. Leo Levin began teaching law at the University of Pennsylvania in 1949, seven years after he graduated from that institution. *Id.* He assumed Emeritus Professor status in 1989. *Id.*; see also Stephen A. Cozen, *He Owes His Love of the Law to the Legendary A. Leo Levin*, BOLD AMBITIONS: PENN LAW JOURNAL, available at http://www.law.upenn.edu/alumni/alumnijournal/spring2008/campaign/levin_01.html (last visited Apr. 30, 2012). Here is what one of his former students wrote about him:

A. Leo Levin . . . spent 40 years sharing his joy in the law. He was a warm, caring mentor whose disciples span the region and the country. He shaped students' lives like few professors, teaching them the value of pro bono work rooted in the necessity of standing for the least among us.

Id.

For the past decade or so of teaching, however, it has not been the battle of wits that has sustained me. I have grown to love *teaching* and helping my students achieve their goals and become the very best lawyers they can be. This entails not just insuring that they have the requisite *technical* grasp of legal rules and skills, but also that they leave law school as whole human beings, ready to take on the demands of an often, if not usually, extremely stressful profession. For this they need a sense of their professional identity that coincides with their basic human needs and core values. What I love about teaching are my students.

I aggressively pursued implementation of a stress relief program at Touro although it was *ultra vires* of my law professor contract. I did it for the reasons that Gretchen Duhaime identifies in her contribution to this symposium,¹⁰⁹ because I saw it as critically important for our students' wellbeing that Touro as an *institution*, validate and respond effectively to the extra-curricular needs our students have for emotional support. But I also see this obligation as something I bring into the classroom and into my all of my interactions with my students.

I am just one of the many active members of the Humanizing Legal Education movement, now the Balance in Legal Education Section.¹¹⁰ Each one of us could share his personal story of how he has incorporated strategies for supporting students' professional development into his teaching, much as Professor Mary Dolores Guerra has done.¹¹¹ Here I will share part of mine.

KNOWLEDGE ABOUT ALTERNATIVE KINDS OF PRACTICE

The case method, the standard method of instruction in virtually all law classes, teaches students from day one of law school that being a lawyer is about litigation, and specifically about appellate litigation. Thus, attempts to expose them to alternatives to litigation in upper level elective courses fight against the received paradigm of their signature education. Several years ago, I persuaded first our

¹⁰⁹ "The vision is to provide a comprehensive wellness-based program . . . that will help students live ethical lives with meaning and purpose." Duhaime, *supra* note 18 at 1208.

¹¹⁰ See *supra* note 16 and accompanying text.

¹¹¹ See *supra* notes 61-76 and accompanying text.

Curriculum Committee, and ultimately our faculty, to transform our first year Civil Procedure course into a course named Civil Dispute Resolution and Procedure (“CDR&P”). Among other changes designed to expose students to what lawyers actually *do* in practice, we incorporated a requirement, reflected in the new name, that each of us spend a significant portion of the course teaching our students about alternatives to litigation. This includes, of course, negotiation, mediation and arbitration—the standard three. This past fall, however, I determined to introduce my students to some of the alternatives to the alternatives, several processes in the often-called Comprehensive, or Integrative, Law Movement.¹¹² Specifically, I assigned readings on Restorative Practices (Civil)¹¹³ and Collaborative Law.¹¹⁴ These are processes that, unlike traditional litigation, aim to affirm the humanity of each participant. My goal is to introduce my students to a broader range of possibilities for practice about which they are otherwise unlikely to learn.

CDR&P is not the only course in which I introduce students to new ways to practice law. Teaching about alternative ways to envision careers to serve clients is a major focus as well of the Civil Externship seminar I teach. In addition to assigning chapters from the book I edited, *The Affective Assistance of Counsel: Practicing Law as a Healing Profession*,¹¹⁵ which showcases many such possibilities, I invite to class practitioners of these alternatives.¹¹⁶ And this year, in my Professional Responsibility class, I spent an hour on *Lawyers as Peacemakers*,¹¹⁷ with an emphasis on the practice of Therapeutic Ju-

¹¹² The “movement,” as some call it, goes by other names, including, but not limited to, “holistic law,” and “transformational lawyering.” See WRIGHT, *infra* note 113. Others, including myself, have called it “Law as a Healing Profession.” See generally THE AFFECTIVE ASSISTANCE OF COUNSEL, *supra* note 3. Professor Susan Daicoff has described related innovations, such as Therapeutic Jurisprudence, Restorative Justice, Collaborative Law, Creative Problem-Solving and Preventive Law as “vectors” in the Comprehensive Law Movement. SUSAN SWAIM DAICOFF, COMPREHENSIVE LAW PRACTICE: LAW AS A HEALING PROFESSION (2011).

¹¹³ J. KIM WRIGHT, LAWYERS AS PEACEMAKERS: PRACTICING HOLISTIC, PROBLEM-SOLVING LAW 27-42 (2010).

¹¹⁴ *Id.* at 47-52.

¹¹⁵ THE AFFECTIVE ASSISTANCE OF COUNSEL, *supra* note 3.

¹¹⁶ For example, Latonia Early-Hubelbank, a practitioner of collaborative divorce law, is a guest each year. I have invited mediators as well.

¹¹⁷ WRIGHT, *supra* note 113. I also arranged for Kim Wright, the author of LAWYERS AS PEACEMAKERS, to speak to students in April 2012. Kim spoke as well at a faculty colloqui-

risprudence.¹¹⁸ The next step I plan is to design an entire course with an experiential component specifically focused on these “New Paradigms of Law and Lawyering.”¹¹⁹

By learning about alternative roles focused on practicing law as a helping, healing profession,¹²⁰ law students can expand their conceptions of the professionals they might become, and envision increased possibilities for being healthy and happy in their chosen profession.¹²¹

THE HUMAN DIMENSIONS OF LAWYERING

Another consequence of legal education’s version of the case method is its failure to impress students with how lawyers get involved in “cases,” and what it means to have a client. Clients are reduced to “parties,” in brief descriptions generally limited only to facts relevant to the legal issues raised in the judges’ opinions. They have no flesh, no bones, let alone emotions. Thus, attempts to expose students to the emotional aspects of lawyering come too late, if at all. I have tried to compensate for this in a number of ways. One of the changes I made upon the transformation of our Civil Procedure

um on the following day on the parallel systemic changes occurring in business, medicine and law towards integrative practices valuing the human dimension (PowerPoint slides on file with the author).

¹¹⁸ See Bruce Winick & David Wexler, *Therapeutic Jurisprudence*, CUTTING EDGE LAW, <http://cuttingedgelaw.com/page/therapeutic-jurisprudence> (last visited Apr. 30, 2012).

¹¹⁹ This course will introduce students to theories such as Therapeutic Jurisprudence, approaches to resolving conflict such as Collaborative Law and Restorative Practices, as well as the role of contemplative practices in enhancing lawyer and client wellbeing.

¹²⁰ I have often been asked what I mean by “Practicing Law as a Healing Profession” (the second half of the title of my anthology). See THE AFFECTIVE ASSISTANCE OF COUNSEL, *supra* note 3. Do I mean healing for the client or healing for the lawyer? My answer is invariably, “Yes.” The level of client satisfaction with less confrontational approaches to dispute resolution is matched only by the reduction in stress and other dysfunction by their lawyers who participate in these practices. See, e.g., STEVEN KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (1999).

¹²¹ While I believe knowledge about these alternatives is important for all students, it is especially salient for those atypical students who struggle to find their place in the legal profession. SUSAN SWAIM DAICOFF, LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES 178-84 (2004). Also, I do not minimize the difficulties many students will face upon graduation in finding any legal work that pays a living wage, in this environment of declining demand and skyrocketing debt. Nonetheless, by envisioning meaningful work, they are far more likely to reach their goals eventually than if they lacked this awareness.

course,¹²² was to jettison the casebook altogether. Instead, students learn the doctrine and rules through a very good hornbook¹²³ and a Rules Supplement.¹²⁴ The students then apply what they have learned to two cases: one, a hypothetical, rather straightforward Age Discrimination in Employment case,¹²⁵ and two, the 1992 Haitian refugees litigation brought by students in Harold Koh's Human Rights Clinic at Yale Law School, as brilliantly told in Brandt Goldstein's *Storming the Court*.¹²⁶ Thus students learn that the lawyer's involvement begins with clients who seek out lawyers to help them problem-solve in issues routine and global, private and public, legal and non-legal.

During our discussion of Therapeutic Jurisprudence in the class discussed earlier,¹²⁷ one of my Professional Responsibility students questioned why we have a "perspective" requirement in our curriculum that does not include courses such as psychology or other social sciences, seemingly so critically important to work that involves counseling clients. I could not have agreed more. We have several foreign LLM students in that class, who received undergraduate law degrees in countries as diverse as Ukraine, Brazil, and India. As I recall, all reported that their legal training had included such courses. Yet American law schools focus little on the *human* knowledge and skills of lawyering. Clinics teach interviewing skills such as active listening, but few schools, and certainly not ours, require any such instruction in what is an essential skill for every practicing lawyer who interacts with people.

I have written extensively about why lawyers need emotional

¹²² See *supra* text accompanying notes 112-21 (describing the various changes that were made to the first year Civil Procedure course, including changing the name of the course to "Civil Dispute Resolution and Procedure").

¹²³ RICHARD D. FREER, *CIVIL PROCEDURE* (2d ed. 2009).

¹²⁴ LEGALPUB.COM, *FEDERAL CIVIL RULES BOOKLET* (2012). I assign the legalpub.com version because it is, as far as I know, the least expensive of the alternatives.

¹²⁵ MICHAEL P. ALLEN & MICHAEL FINCH *AN ILLUSTRATED GUIDE TO CIVIL PROCEDURE* (2006).

¹²⁶ BRANDT GOLDSTEIN, *STORMING THE COURT: HOW A BAND OF YALE LAW STUDENTS SUED THE PRESIDENT-AND WON* (2005). In addition to assigning the book, *STORMING THE COURT*, I also assign *THE DOCUMENTARY COMPANION TO STORMING THE COURT*, co-authored by my colleague, Roger Citron. BRANDT GOLDSTEIN ET AL., *A DOCUMENTARY COMPANION TO STORMING THE COURT* (2009).

¹²⁷ See *supra* text at notes 117-18.

competence and an awareness of psychodynamic processes in order to maximize their clients' ability to benefit from legal counsel and to make appropriate legal decisions.¹²⁸ The development of such competencies begins with self-awareness.¹²⁹ I encourage these qualities in my students both inside the classroom and in individual conferences. My seminar students write weekly reflective journals.¹³⁰ I recently added a similar requirement in my Professional Responsibility class, as explained below.

OPPORTUNITIES FOR CONTEMPLATION AND REFLECTION

For the spring 2012 semester, I was assigned the Thursday, 8:20-10 P.M. section of Professional Responsibility, which I and others not so affectionately refer to as "the graveyard shift." This is the very last class of the very long week through which our evening students struggle fourteen weeks per semester. These remarkable students, most of whom work all day and often juggle childcare as well, have little time in their lives to breathe deeply, let alone find time for reflection. I decided to experiment with a contemplative practice that Dean Sandine uses in the Professional Responsibility class that she teaches at Vanderbilt Law School.¹³¹ I begin each class with two minutes of silent meditation, started and stopped by a Gong application on my iPhone.¹³² I follow (or sometimes precede) those moments of silence with a short reading from *The Reflective Counselor: Daily Meditations for Lawyers*.¹³³ The students are then given a choice weekly among several questions about which they may jour-

¹²⁸ See, e.g., THE AFFECTIVE ASSISTANCE OF COUNSEL, *supra* note 3, at ch. 1: *Emotional Competence and the Lawyer's Journey* 7-28. See also, Robin Wellford Slocum, *An Inconvenient Truth: The Need to Educate Emotionally Competent Lawyers*, 45 CREIGHTON L. REV. (forthcoming 2012).

¹²⁹ THE AFFECTIVE ASSISTANCE OF COUNSEL, *supra* note 3, at 23-26, 51.

¹³⁰ See, e.g., Mary Jo Eyster & Marjorie A. Silver, *The Accidental Clinician and the Experienced Director: A Conversation on the Value of Externships*, at 39-40 (working draft), available at <http://ssrn.com/abstract=2018025>; see also *supra* text at notes 61-62 (discussing Professor Guerra's use of journals); Duhaime, *supra* note 18 at 1234-37 (discussing importance of journaling).

¹³¹ Email from Julie Sandine, Assistant Dean for Student Affairs, Vanderbilt Law School, to author (Jan. 19, 2012, 16:33 EST) (on file with the author).

¹³² Meditation Bells, i-CRG Labs, R K Advaita, updated 12/7/11.

¹³³ F. GREGORY COFFEY & MAUREEN C. KESSLER, *THE REFLECTIVE COUNSELOR: DAILY MEDITATIONS FOR LAWYERS* (2008).

nal, one of which relates to the weekly reflection. To my surprise and delight, many students have chosen this question and several have shared that their experience with those couple of moments of silence have inspired them to build such moments into their daily routine.

Other techniques that I (and others) have employed to enhance law students' wellbeing and actualize their potential for success include autonomy support,¹³⁴ teamwork,¹³⁵ refocusing on intrinsic versus extrinsic rewards,¹³⁶ and helping struggling students understand that they are not their grades.¹³⁷ The literature on the theory of why all of these techniques make a difference, and how every law teacher can easily implement such approaches, is burgeoning.¹³⁸ Gretchen Duhaime's article in this symposium, *Practicing on Purpose: Promoting Personal Wellness and Professional Values in Legal Education*,¹³⁹ is a welcome addition to that literature. Gretchen has analyzed several psychology-based wellness models and, based on those, developed seven components of her "Practicing on Purpose"

¹³⁴ See, e.g., Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 22 BEHAV. SCI. & L. 261 (2004). As an example, teachers can suggest to their students questions to answer in their journals, or on their final exam.

¹³⁵ See, e.g., Sophie Sparrow, *Can They Work Well on a Team? Assessing Students' Collaborative Skills*, 38 WM. MITCHELL L. REV. 1162 (2012); Sophie Sparrow, *Team-Based Learning—An Overview*, THE LAW TEACHER, (Spring 2012), available at <http://lawteaching.org/lawteacher/2010spring/lawteacher2010spring.pdf>.

¹³⁶ Lawrence S. Krieger, *Essay on Professionalism and Personal Satisfaction: The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 CLIN. L. REV. 425 (2005).

¹³⁷ After they have received their first set of grades in January, I send an email to my first year students reminding them that they (the students) are not their grades, that if they are disappointed in their grades they should keep perspective that while it is not unimportant, their final exam grades are only a reflection of how they performed on one exam on one day in relation to their peers. See Corie Rosen, *Creating the Optimistic Classroom: What Law Schools Can Learn from Attribution Style Effects*, 42 MCGEORGE L. REV. 319 (2011).

¹³⁸ See, e.g., Rosen, *supra* note 137; Carol L. Wallinger, *Autonomy Support 101: How Using Proven Autonomy Support Techniques Can Increase Law Student Autonomy, Engender Hope, and Improve Outcomes*, 48 DUQ. L. REV. 385, 387 (2010); Todd Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357 (2009); MICHAEL HUNTER SCHWARTZ, SOPHIE SPARROW & GERALD HESS, *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* (2009).

¹³⁹ Duhaime, *supra* note 18.

model for law students.¹⁴⁰

WHAT NEXT?

I and many, many others, are persuaded that our students are better off than they would be if these several institutions and people weren't offering the programs and opportunities that they do. Anecdotes from individual students abound. Recently, I was privileged to hear from several graduates of CUNY's Contemplative Urban Lawyering Program¹⁴¹ speak to how the techniques they learned from that program have sustained them through the often brutalizing experience in their struggle to do social justice work.¹⁴²

However, we currently have little empirical data to prove what programs work best and why.¹⁴³ What is absolutely necessary, especially in this era of declining resources,¹⁴⁴ are some studies to validate our assumptions. I hope that schools, like Vanderbilt, will invite researchers in to study these programs. If the results are as many of us expect they will be, perhaps many more law schools, administrators and professors will give the requisite attention to their students' basic *human* needs.

CONCLUSION

Student wellbeing and the sustainability of the lawyers they will become are serious issues with which, happily, increasing numbers of law schools and individuals within those schools are creative-

¹⁴⁰ *Id.* at 1208, 1226-33.

¹⁴¹ *See supra* text at notes 50-51.

¹⁴² Maria Arias, Jeanne Anselmo & Victor Goode, *Love in Action with Wisdom in Honor of Dr. Martin Luther King, Jr.*, INSIGHT MEDITATION CENTER (Apr. 4, 2012).

¹⁴³ *See* Wallinger, *supra* note 138, at 386-87 (noting paucity of studies regarding legal education on academic success and life satisfaction). *But see* Louis N. Schulze, Jr. & A. Adam Ding, *Alternative Justifications for Academic Support III: An Empirical Analysis of the Impact of Academic Support on Perceived Autonomy Support and Humanizing Law Schools*, 38 OHIO N.U. L. REV. (forthcoming 2012). In addition, Hana Nielsen-Kneisler, J.D., a PhD student in clinical psychology at the School of Professional Psychology at Pacific University, is currently engaged in a dissertation study entitled, *Law School Stress & Solutions*.

¹⁴⁴ *See, e.g.*, Debra Cassens Weiss, *Law School Applicants Drop by More Than 15 Percent; Are Tuition Cuts Ahead?*, A.B.A. J. (Apr. 9, 2012, 8:29 AM), http://www.abajournal.com/news/article/the_number_of_law_school_applicants_drops_by_more_than_15_percent/.

2012] *HUMANISM GOES TO LAW SCHOOL* 1177

ly engaging. The January 2012 Balance in Legal Education Program showcased apparently effective collaborations among students, faculty and administrators at five distinct law schools. Many other schools, like my own, are similarly engaged in such efforts.¹⁴⁵ The topic of the January 2012 Balance in Legal Education Program is *Improving Student Well-Being Inside and Outside the Classroom* and it will feature presentations on the theory behind various techniques on both the micro- and macro-level.¹⁴⁶ Hopefully, all of these efforts will inspire other schools and individuals to identify and implement measures for enhancing their students' wellbeing. As I stated earlier, in my experience it only takes one or two individuals to get started.

¹⁴⁵ See, e.g., Josh Griffith, *Law School to Revamp Student Life*, THE GW HATCHET (Apr. 23, 2012), <http://www.gwhatchet.com/2012/04/23/law-school-to-revamp-student-life/> (implementing a committee on student well-being and professional development).

¹⁴⁶ See Memorandum from Jane M. La Barbera to AALS 2012 Section Chair and Chair-Elects (Apr. 19, 2012) (on file with Touro Law Review).

APPENDIX

**“CONTEMPLATIVE PRACTICE AND THE LAW, (L)OVE IN
(A)CTION WITH (W)ISDOM”[†]***Victor Goode****HISTORY AND BACKGROUND**

In 2007, Professor Arias and I were privileged to receive a grant from the Center for Contemplative Mind in Society to develop a course on “Contemplative Practice and the Law” at the CUNY School of Law. As a result of this generous support and the recognition that comes with being a grant fellow, the faculty of the law school approved a one-credit course on Contemplative Practice in May 2009. The course is now an official elective class available to second and third year law students.

This journey toward full recognition of our contemplative practice efforts actually began in September 2001. With support from the Cummings Foundation, the CUNY School of Law began a Contemplative Urban Lawyering Program by hiring a meditation instructor and a yoga teacher to help students cope with the stress of law school. The program was open to the entire community, including faculty, staff and students, and was one of many extra-curricular activities in the law school. Its initial focus was on stress reduction and preventing the more destructive expressions of stress among students, particularly alcohol and drug abuse. As with other extra-curricular activities, it was “approved” by the dean and faculty but not actually endorsed by either.

Over time, those of us associated with the Contemplative Urban Lawyering Program (CULP) became aware of similar efforts that were beginning to emerge at other law schools. Valuable research was conducted by Professor Susan Daicoff and Professor Lawrence

[†] Unpublished manuscript.

^{*} Associate Professor of Law, CUNY School of Law.

Krieger that documented the negative socialization experience that law school had on many students. While most legal educators had long acknowledged that law schools transformed students “into lawyers,” little attention had been paid to the psychological impact of this transformation process. However, the data revealed that the structure and methods of legal education as a whole tend to batter the self-esteem and self-efficacy of most students. Furthermore, the studies show that while most students enter law school with some desire to pursue justice, by the time they leave, that sense of purpose and idealism has been battered and all but disappears.

Most of our students are drawn to CUNY because of its mission to train public interest lawyers and the program that in various ways orients them toward small firm practice serving local communities more so than large commercial institutions. But the relative advantage of even this idealistic mission did little to immunize our students from the stresses of law school and the added pressures of actually finding a “human” way of practicing law while serving the public interest. We decided that, while our student-run meditation and yoga program served several important needs, more was needed.

We began to see the importance of contemplative practice in maintaining a social justice compass to steer emerging lawyers through the many obstacles that they were likely to face in practice. We also believed that a contemplative practice course would create time and space for students to practice and reinforce their efforts to stay connected to their purpose, and to develop the “skill” of contemplation along with the other skills that they were acquiring in law school. We also recognized the importance of self-care and found much in meditation that serves that need. In order to bring more attention to these skills, we decided to augment the extracurricular program with a regularly scheduled course. Our first efforts to have a course accepted by the administration were unsuccessful. However, with the grant from the Center for Contemplative Mind in Society and its requirement that the school support the implementation of the project, even if only on an experimental basis, we were able to design and offer the first contemplative course for credit at the law school in the fall of 2008.

This initial “experimental course” gave us an opportunity to develop materials and try different teaching methods that could be flexible and responsive to student needs. We then felt ready to take

the next step and move from an extra curricular program to a more defined place within the law school. While CULP continues as a student run program, the course on Contemplative Practice is now part of the law school curriculum and has been offered for four consecutive semesters. We have been encouraged by the level of acceptance that we have received from students and the course now serves as an anchor that has helped generate other contemplative activities within the law school. These now include a continuing yoga program, occasional films and speakers, a labyrinth walk during orientation, and a spring retreat to a Buddhist meditation center.

THE PLAN FOR IMPLEMENTING THE CONTEMPLATIVE PRACTICES COURSE

We faced a number of challenges in developing and presenting this course. First, contemplative practice is a vast field, and so we had to decide what we wanted to cover and what materials were best suited for a law school environment. We decided to evaluate the many materials we reviewed against the core principles that we thought were critical for the course. First, we wanted the course to focus on the unique challenges facing social justice lawyers. Self-care and sustaining ones idealism were two of those challenges. While all lawyers face pressures, including deadlines and financial challenges that produce stress, social justice lawyers face the added pressures that their clients are very likely to be confronted with suffering that involves class, race, gender, a dysfunctional criminal system and the debilitating effects of poverty. Frequently their lawyers hold the last lifeline that may keep them from falling further into society's abyss. While a tax lawyer or a commercial law practitioner may care deeply about their clients, legal aid lawyers must deal with the reality that their clients are about to become homeless or lose everything, including their liberty. Secondly, we wanted our course to honor and recognize those who had come before us and who had made contributions to social justice lawyering. Third, the course had to engage students with challenging material. Finally, we had to figure out how to accomplish this goal while also conducting traditional law school tasks of evaluation and grading.

We didn't want the course to merely focus on intellectual engagement, with students simply discussing topics from assigned read-

ings or writing essays or traditional research papers. A contemplative practice class also had to leave time for learning the practice of meditation, the actual experience of introspection, and confronting the personal institutional obstacles that we all face in that journey. These were challenging goals for any class, but were particularly difficult for a course that met only once a week and carried only one credit toward a student's normal semester load.

THE ACTUAL IMPLEMENTATION

The course was first offered in the fall semester of 2008. All of our third year students are enrolled in clinics, and the available time for their elective courses is usually two narrow timeslots on Tuesday and Thursday afternoons. We were able to schedule our class near the end of the day on Thursday afternoon so that it didn't conflict with bar preparation classes that might have affected enrollment. It also gave students a chance to "look back" on their week from a contemplative perspective. Initially, 20 students signed up for the course, and 17 stayed on through the end of the semester. In the earlier years of the CULP program, Ms. Jeanne Anselmo, a holistic nurse and meditation instructor, had been hired to conduct guided meditations. Because of her experience both as a meditation teacher and with our program, we decided to use some of our grant funds to hire her as a co-teacher in the class. She has co-taught with us for three semesters and has made significant contributions to the evolution of the course.

After reviewing a variety of materials that we thought might be useful, we settled on a text titled "The Affective Assistance of Counsel: Practicing Law as a Healing Profession," written and edited by Professor Marjorie Silver of Touro Law Center. We also purchased copies of a CD program called "Learn to Meditate in 60 Minutes" by Ra Un Nefer Amen. Our goal was to have students download this program onto their computers or personal music devices and use it to practice meditation on their own. Finally, in keeping with our social justice focus we ordered copies of "Letter from a Birmingham Jail" by the Rev. Martin Luther King Junior and several essays from "The Dharma of Color."

We decided to organize each class into three related parts. We begin with a short meditation, usually focused on some theme

that was either reflected in the reading or seemed particularly appropriate based on recent news or events that were occurring in the law school. Then, we have a guided discussion about the readings and end each class with a closing meditation.

CUNY, like most law schools, has a pass/no credit (“P/NC”) grading option, but the option is limited to four classes during a student’s matriculation. We thought that most of our students would register for our class as a pass/no credit option. However, much to our surprise, we discovered that a number of our students were actually taking the class for traditional grades. Their decisions were driven in large part by university rules that limit students to only four P/NC courses. This drove a number of students to take our class for a grade simply because they didn’t want to use up one of their four P/NC options, which they preferred to have available as they were going into their third years. They saw using the P/NC grading option in their final semesters as a means of reducing grade pressures as they devoted time to prepare for the bar exam and search for employment.

We hadn’t anticipated this dilemma on grading, and so, had to figure out an alternative approach to grading that could accommodate both P/NC and regularly graded of students. The P/NC group was easy to evaluate, but those who were taking the class for a traditional grade posed a challenge. We finally decided to evaluate a combination of activities in assessing a student’s grade. We counted class attendance and class participation. We also borrowed a technique from our clinical colleagues and assigned the students responsibility for keeping weekly journals. Journaling is used in a number of law school clinics and we were guided on how to effectively use this device from the law review literature. We decided that this combination of participation and journal writing would allow us to monitor whether students were engaging with the assigned readings while not turning the class into a traditional graduate seminar where a research paper is the primary focus of the semester’s work. Much to our surprise, journaling turned out to be more challenging for many students than we expected.

Developing insight is both a goal and a result of contemplative practice. Exposing oneself through deep personal written reflections became a real challenge for many of our students. While we didn’t anticipate this reaction when we designed the course, in retrospect it shouldn’t have been a surprise. A meditative practice neces-

sarily peels away at the many different layers of one's self and is a difficult process. It was not easy for many students to explore aspects of themselves through this process, and then share aspects of this exploration with professors who are also authority figures in their lives and who were for the most part strangers to them. The initial result was that many of the journals tended to be superficial and merely descriptive of what students did that week rather than probative and insightful. This experience taught us the obvious lesson that journaling is a very special skill, and to be effective, we would have to devote more classroom time to developing the skill rather than merely assuming that students have the desire and ability to write in truly reflective ways. We also realized that, in order to learn this skill more effectively, they may benefit from reflective models, including more self-revelation and examples from their teachers.

We found our primary text, "The Affect of Assistance of Counsel," very useful for our class discussions. The book consists of a series of essays organized around several general themes. There were enough different topics to choose from so that we had no problem having a very good selection of readings. Reading the "Letter from a Birmingham Jail" was one of our most effective classes, both because of its social justice theme and because Professor Arias borrowed a teaching method from the "lectio divina" (Devine Reading). This method is usually reserved for the reading of sacred texts where the passage is read aloud followed by periods of silence. We modified this method by having each person in the class read one sentence from the letter, allowing the entire class to participate and reflect on the meaning of the material. In that way each voice in the class became "part of the text." We also had a mindfulness eating class where we had everyone apply mindfulness techniques as they ate raisins. Mindfulness exercises serve a number of purposes but one that we return to at several points in the semester is to help students develop greater focused attention-an excellent lawyering skill. It also creates the experience of perception as reality. We thought the class worked well, but student feedback was mixed.

In the spring semester of 2009, we had a smaller class of 11 students. Before we began the semester, we looked back on our efforts from the fall and decided that the class had become too focused on a very traditional approach to the assigned readings. Despite trying to keep focused on our goal to engage in meditation practice in

each class, we made the all-too-typical law professor's mistake of choosing too many readings for class discussion. Some were lengthy, and we compounded this error by insisting that we discuss all the assigned materials. The result was too many classes that took on the character of a more traditional graduate school seminar and, as the discussion took over, there was less time to actually practice meditation and simply sit with the experience that the practice of silence invokes.

We also discovered that, despite providing the class with an instructional CD on meditation, many students either couldn't either find the time to listen to it or practice its techniques. They got caught in a predictable dilemma. They didn't have time to learn a technique that would help them better manage time. Some tried the CD a few times and were put off by the challenge of learning to do abdominal breathing. The technique, like any exercise, is difficult at the beginning, but becomes easier as one practices. Getting past the beginning is the challenge for many students. We also discovered that, even though we began each class with a brief meditation, many students were unsure of what they should actually do other than merely sitting still and focusing on breathing. From this feedback, we learned the importance of teaching and reinforcing some simple basic techniques of posture and breathing early in the semester, and reiterating them on a regular basis throughout the term.

For the spring semester class we decided to make several adjustments. First, while we continued to use the text, we chose fewer essays and supplemented them with a very small volume on meditation and mindfulness with an accompanying CD by Jack Kornfield, a well-known meditation teacher from the Buddhist tradition. We hoped that his instructional approach to meditation would be more accessible than the material assigned in the fall semester. We also decided to struggle against the tendency in law school to assume that more is always better. We assigned fewer readings and while we continued to require active engagement in class, we also provided more time for meditation practice. With the smaller class, students had a more intimate experience with both one another and us. This created an environment for more honesty, and openness, and allowed us to demonstrate to the students through actual practice how a meditative perspective could be useful in the challenges that they will face as lawyers. Since our clinical requirements for third year students ac-

tually put them into law practice with real clients, this requirement gave them the chance to apply the perspectives and practices from our contemplative class to real cases they were working on. Bringing insight from their own day-to-day experiences with law practice was one of the real successes of the semester.

The two semesters of our course that were supported by the grant gave us time to experiment and develop momentum for the course, as well as a growing expectation in the student body that it would continue to be offered. We originally thought that we would teach this class for three semesters and then make a presentation to the law school curriculum committee to have the course officially certified for the fourth semester in the spring of 2010. But we discovered that the course could only be offered as a temporary class for two consecutive semesters; we decided to go forward with a proposal to the curriculum committee in April of 2009 seeking full faculty accreditation for the contemplative practices class.

In our deliberations with our colleagues on the curriculum committee, we encountered skepticism and opposition to a course like this being offered in a law school. While the faculty and the dean had been supportive of our efforts when they were confined to the extracurricular program, it was difficult for some to see the utility a meditative perspective could have for the practice of law.

Fortunately, by the time we made our presentation, a number of important changes had taken place in legal education that changed the context for these deliberations. In 2008, the Association of American Law Schools offered a presentation at its annual meeting concerning the negative impact that law school practices were having on students. Contemplative practice was presented in a workshop as one among many possible responses to this problem. A number of journal articles had been published over the last several years that pointed out the value of meditation and similar contemplative methods in the practice of law. Finally, Touro Law School hosted a conference in conjunction with the publishing of "The Affective Assistance of Counsel." CUNY faculty participated in that conference, as did our former dean, and it was clear that the ideas and methods that we brought to our contemplative class were slowly gaining traction in legal education and the profession as a whole (in November 2009, CUNY co-sponsor a CLE program on meditation and lawyering with a committee of the City Bar Association). With this backdrop of le-

gitimacy, our proposal before the faculty curriculum committee gained more support, and the committee subsequently recommended to the faculty as a whole that the course be adopted. Their recommendation was voted on and accepted by a majority of the faculty and subsequently was approved by the board of trustees.

EVALUATION AND FURTHER THOUGHTS

One of the many lessons that we have learned in the last year is that this course remains a work in progress. We've also learned that continuity in practice is more important than breadth of coverage, and depth in a contemplative practice class necessarily means balancing time for sitting meditation with traditional discussion. While other law school classes will understandably focus on the information contained in the reading assignments, this class works best when the material is less voluminous. But in conjunction with a meditative perspective, the class becomes an open door for an inquiring student to walk through. We imagine that, in the near future, thoughtful lawyers, law teachers, and judges will offer new insights through essays on their experiences with contemplative techniques. This emerging literature will create new readings for classes like ours.

While we are very pleased with the law schools recognition of our efforts, we also have to be mindful that a one-credit class is a very limited amount of time to teach the meditative perspective as a unique and different approach to being a lawyer. Therefore, while we set our sights high, we have learned to keep our expectations in perspective. For the first two years we experimented with three teachers co-teaching the class, and discovered that sometimes it's difficult for students to hear three different voices from three different perspectives all attempting to address the same material in a one hour class. So we changed our teaching format so that each teacher took primary responsibility for a class while the others played an assisting role. This change proved successful because it allowed each of us to focus more on our individual strengths while being collaborative and supportive of one another.

Grading continues to be a vexing issue. We're seeking to have the law schools rules concerning P/NC courses changed so that our class can be taken without it counting against the present four-

course limit. Our preference is that students avoid the pressure of grades and take the class P/NC. Another change that we've implemented is requiring individual and small group conferences for all of our students. For some, these meetings create a more private and intimate setting that permits an opportunity to discuss the stages of practice and problems confronted without having to reveal this to the entire class. It also allows more time to get to know our students and to provide specific instruction that is suited to their particular conditions. This is especially important when meditation practice dredges up emotions that one might not want to reveal in class.

Some of our most successful classes have involved alums who have come back to share their experiences with contemplative practice techniques with current students. Two of our graduates have agreed to do this on a regular basis. One is a criminal defense lawyer in Brooklyn and the other runs a solo immigration practice in Queens. Another is a public defender in Memphis, and has joined us occasionally by conference phone. Sharing their experiences has been both a revelation and an important source of encouragement for students. As each class graduates, we hope to add to this list of alums that return and bring new insights into contemplative practice and the law.

This year, our contemplative efforts at the law school have been affected by budget cuts. My original co-teacher, Maria Arias, was recently appointed to the bench, and my other co-teacher, Jeanne Anslemo, was not returned due to budget restraints. So, in the course of one semester I've gone from being part of a happy collective to a solo practice. In each of the last two semesters I've been permitted to offer the course, but as an overload. While an additional one-credit class doesn't seem like much, I've already had to cut back on student conferences in order to accommodate students from my other classes. We've been advised that the next academic year will be financially worse; I'm not sure where this will leave Contemplative Practice and the Law. But if teaching the class has left me with anything, it has been a dose of cautious optimism.

At the beginning of each semester we ask each student to reflect on why they took this class. While the answers vary, one common theme is awareness of stress experienced in law school and growing anxiety about what life will be like after law school. They see contemplative practice as a refuge in an otherwise stormy and un-

certain future. The depth of the anxiety that some students have shared with us often reveals needs greater than the capacity of a one-credit course to adequately address. But we hope that by exposing students to a variety of different contemplative practices and utilizing the other resources at the law school, we will be able to provide them with more choices to living their lives as lawyers with meditation as a foundation, and bringing the meditative perspective to their work as lawyers.