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## **The Mindful Law School: An Integrative Approach to Transforming Legal Education**

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## THE MINDFUL LAW SCHOOL: AN INTEGRATIVE APPROACH TO TRANSFORMING LEGAL EDUCATION

*Scott L. Rogers\**

### INTRODUCTION

Law schools across the country are finding in an ancient contemplative practice called “mindfulness”<sup>1</sup> a modern day solution to one of legal education’s greatest challenges. As the prevalence of anxiety, depression, and suicide ideation among law students continues to exceed not only levels found in the general population, but also among students in other demanding graduate programs,<sup>2</sup> law schools

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\* Lecturer in Law and Director, Mindfulness in Law Program, University of Miami School of Law (“Miami Law”). The program that forms the basis for this article would not exist if not for the vision of Janet Stearns, Miami Law’s Dean of Students who embraced the work I was doing with lawyers and saw its role in the law school. Miami Law Dean Patricia White’s leadership nurtured the nascent program and made possible its present-day blossoming across the law school community. I am grateful to Dale Dobuler, Jan Jacobowitz, Leonard Riskin, and Rosario Schrier for reading an early draft of this paper and providing helpful comments, and to William Blatt, Douglas Chermak, Judy Cohen, Gary Friedman, Ron Greenberg, Charlie Halpern, Rhonda Magee, and Leonard Riskin for the roles they played at a 2007 lawyers’ retreat at Spirit Rock where I experienced a profound sense of community among legal professionals together exploring mindfulness in relation to the study and practice of law and of the role of law in society.

<sup>1</sup> Mindfulness refers to formal and informal practices that are oriented around cultivating present moment awareness. Traditional forms include sitting practices where one closes or lowers their eyes and concentrates awareness on their breath, noticing the arising of thoughts, emotions, and sensations. The different applications of this foundation level practice are varied and have paved the way for modern treatments to reach and accommodate a diverse group of legal professionals. See, e.g., Leonard L. Riskin, *Awareness in Lawyering: A Primer on Paying Attention*, in *THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION* 447-71 (Marjorie Silver ed., 2007).

<sup>2</sup> See SUSAN SWAIM DAICOFF, *LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES* (2004); Mathew M. Dammeyer & Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 *LAW AND HUMAN BEHAVIOR* 55 (1999); 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). See generally SCOTT ROGERS, *THE SIX-MINUTE*

are recognizing their crucial role in providing students with services that help them relate more effectively to the high stress conditions in which they study, and that they will encounter as practitioners.<sup>3</sup> Importantly, while mindfulness is often regarded as a method of stress reduction; it is, in fact, a practice rooted in the concentration of attention, the skillful treatment of agitated emotions, and the cultivation of compassion, all of which are fundamental skills for the study and practice of law.

While the introduction of mindfulness to legal education is not new, and its history can be traced back more than a decade,<sup>4</sup> exciting changes are taking place as traditional programs that introduce students to mindfulness, as well innovative courses that integrate mindfulness into the curriculum, are emerging on law school campuses.<sup>5</sup> Alongside these changes, a growing number of student groups are being formed that create a space for students to meet and share mindfulness insights and experiential practices.<sup>6</sup>

This article explores how the University of Miami School of Law (“Miami Law”) is integrating mindfulness into its curriculum and infusing it across the law school community.<sup>7</sup> Miami Law’s cre-

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SOLUTION: A MINDFULNESS PRIMER FOR LAWYERS (2009).

<sup>3</sup> The American Bar Association is changing its accreditation standards for law schools, calling on legal education to place more emphasis on each student’s professional formation. See Neil Hamilton, *Fostering Professional Formation (Professionalism): Lessons from the Carnegie Foundation’s Five Studies on Educating Professionals*, U. ST. THOMAS L. J. (forthcoming 2012).

<sup>4</sup> See Leonard Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness, Meditation to Law Students, Lawyers and their Clients*, 7 HARV. NEGOT. L. REV. 1, 33-65 (2002); see, e.g., Rhonda V. Magee, *Educating Lawyers to Meditate?*, 79 UMKC L. REV. 535, 549-55 (2011); SCOTT ROGERS & JAN JACOBOWITZ, *Mindfulness and Professional Responsibility: A Guidebook for Introducing Mindfulness into the Legal Curriculum* (forthcoming 2012).

<sup>5</sup> Mindfulness programs for students have been offered at Berkeley Law, University of San Francisco School of Law, City University of New York School of Law, University of Buffalo Law School, Missouri Law, Vanderbilt Law, University of Connecticut School of Law, Golden Gate University School of Law, Georgetown Law, Phoenix Law, University of Miami School of Law, Empire College School of Law, Northwestern University School of Law, Roger Williams Law, University of Missouri-Columbia School of Law, Valparaiso University Law School, William Mitchell College of Law, University of Florida Levin College of Law, and U.C. Hastings College of Law.

<sup>6</sup> See *Contemplative Law Student Organizations*, THE MINDFUL LAW STUDENT, <http://www.mindfullawstudent.com> (last visited Apr. 22, 2012), for a listing of law schools with mindfulness oriented student organizations.

<sup>7</sup> See *Miami Law Mindfulness in Law Program*, MIAMI LAW UNIVERSITY OF MIAMI SCHOOL OF LAW, <http://www.miamimindfulness.org/> (last visited May 1, 2012). In 2003, the

ative application of mindfulness practices—through both traditional methods and modern day innovations—has led to a robust program rooting itself firmly in the law school landscape.<sup>8</sup> Miami Law's Mindfulness in Law program is a model for enriching both the law school curriculum and law student experience with potential for long-term positive impact on the legal profession.

## I. MINDFULNESS IN LEGAL EDUCATION

Today, owing to the diligent efforts of those who have long appreciated the value of integrating contemplative practice and the law,<sup>9</sup> along with the more recent influence of neuroscience and medical research suggesting the powerful role of a mindfulness practice on brain and body,<sup>10</sup> the teaching of mindfulness in law schools is on the rise.<sup>11</sup> Whereas the early introduction of mindfulness to law students focused on the teaching of mindfulness meditation, along with a conversation on how the experience may be adaptive to law and life, a

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first mindfulness presentation took place at Miami Law as part of Professor Melvin Rubin's mediation law class. In 2008, a six-week mindfulness class was offered to newly enrolled students, and in 2009, the program broadened to include seminars, presentations, and workshops. The Mindfulness in Law Program was formally institutionalized in January 2011.

<sup>8</sup> See generally SCOTT ROGERS, *MINDFULNESS FOR LAW STUDENTS: USING THE POWER OF MINDFUL AWARENESS TO ACHIEVE BALANCE AND SUCCESS IN LAW SCHOOL* (2009). The application of *Jurisight*, a method developed for teaching mindfulness to legal professionals, has been of benefit to the development of the Miami Law program and the receptivity of its student body. Section II offers a general introduction to *Jurisight*. See also JURISIGHT, <http://www.jurisight.com> (last visited Feb. 26, 2012).

<sup>9</sup> See Magee, *supra* note 4. See generally STEVEN KEEVA, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE* (1999); see also *The Mindful Lawyer: Practices and Prospects for Law Schools, Bench, and Bar*, available at <http://www.themindfullawyerconference.org> (showing video and audio recordings from the first national conference on mindfulness and law, which took place October 2010 at the University of California, Berkeley School of Law); CUTTING EDGE LAW, <http://www.cuttingedgelaw.com> (showing video interviews from J. Kim Wright's informative and comprehensive Cutting Edge Law website).

<sup>10</sup> See generally SHAUNA L. SHAPIRO & LINDA E. CARLSON, *THE ART AND SCIENCE OF MINDFULNESS: INTEGRATING MINDFULNESS INTO PSYCHOLOGY AND THE HELPING PROFESSIONS* (2009); DANIEL J. SIEGEL, *THE MINDFUL BRAIN: REFLECTION AND ATTUNEMENT IN THE CULTIVATION OF WELL-BEING* (2007); S. SMALLEY & D. WINSTON, *FULLY PRESENT: THE SCIENCE, ART AND PRACTICE OF MINDFULNESS* (2010) (discussing popular and well-regarded modern treatments of the neuroscientific, psychological, and medical effects associated with mindfulness practices).

<sup>11</sup> See, e.g., Rhonda Magee, *Mindfulness and the Renewal of Legal Education*, 135 *NEW DIRECTIONS FOR TEACHING AND LEARNING* (forthcoming Spring 2013); *The Mindfulness Symposium*, 61 *J. LEGAL EDUC.* 511, 634-82 (2012).

growing number of professors bringing mindfulness practices into the classroom are developing a curriculum, explicitly exploring its benefits in areas ranging from trial advocacy, mediation, negotiation, communication and leadership, and the cultivation of empathy, wise decision-making, and ethical conduct.<sup>12</sup>

For many years the individual efforts of law faculty in introducing mindfulness to their students took place in relative obscurity, with few avenues available to share experiences, brainstorm approaches, or support one another in their endeavors. The 2010 Mindful Lawyer Conference<sup>13</sup> ushered in a new era as faculty from law schools across the country (along with attorneys and judges) discussed the work they were doing and the impact it was having on their students, creating the opportunity not only for the sharing of ideas and practical approaches, but the validation of their efforts and a sense of community.<sup>14</sup> Further, the plenary and breakout sessions provided inspiration for faculty interested in learning more about mindfulness and for those practitioners who may have been hesitant or uncertain of how to proceed in the classroom.

More recently, at the 2012 American Association of Law Schools (AALS) conference, the Balance in Legal Education section convened a panel of law faculty and their students to share the ways that they have infused mindfulness and related contemplative approaches into their law schools. Vanderbilt's Assistant Dean for Student Affairs, Julie Sandine, organized and chaired the panel discussion entitled, "Effective Faculty/Student Collaborations and Student Initiatives: Working Together to Enhance Students' Professional Identity and Personal Integrity." Her student, Amy Sanders, discussed Vanderbilt's Supportive Practices program. Professor Victor Goode and 3L Jane Gish of City University of New York School of Law discussed the ways that mindfulness has been introduced into the curriculum at CUNY Law. Professor Mary Delores Guerra of Phoenix School of Law shared how she injects mindfulness practices into her curriculum and Beth Bruno, a recent graduate shared how she applied what she learned in Professor Guerra's class during a

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<sup>12</sup> See, e.g., ROGERS & JACOBOWITZ, *supra* note 4, at 6-10; *The Mindfulness Symposium*, *supra* note 11.

<sup>13</sup> See *The Mindful Lawyer Conference*, *supra* note 9.

<sup>14</sup> See *id.* (audio and video recordings available); *The Mindfulness Symposium*, *supra* note 11.

challenging law school experience. Professors Michele Storms and Kimberly Ambrose, of University of Washington School of Law, discussed how their school's Foundation for Legal Studies program creates the opportunity for students to enhance their professional identity development through mentoring programs and student leadership projects. I was fortunate to participate in the panel discussion with Miami Law 3L, Amanda Leipold. We discussed the formation of the Insightful Mind Initiative, the mindfulness student organization that she co-founded with several classmates who had taken a mindfulness class called *Jurisight* in their first semester and wished to create an ongoing student experience involving mindfulness practice.

The *Jurisight* class that sparked Amanda and her classmates' interest in establishing a mindfulness law student organization was offered in 2008 at Miami Law, and is now a staple for many law students during their first semester of law school. The following section will offer an overview of the *Jurisight* approach to sharing mindfulness with law students.<sup>15</sup> Section III will provide a glimpse of the early days of Miami Law's mindfulness program, which may prove instructive to readers interested in establishing or further enriching their school's mindfulness offerings. Finally in Section IV, today's Mindfulness in Law Program at Miami Law is described.

## II. *JURISIGHT: INTRODUCING MINDFULNESS TO LAW STUDENTS AND LAWYERS*

While each of the different mindfulness classes at Miami Law offer a uniquely crafted presentation of foundation-level mindfulness insights and exercises, most of them apply *Jurisight*, an approach developed to teach mindfulness to law students, lawyers and judges in a manner that is enjoyable, accessible, and memorable to legal professionals. The first time I introduced mindfulness to lawyers and began crafting the *Jurisight* program was during a 1998 presentation titled *The Mindful Practice of Law*.<sup>16</sup> Following a short breath-awareness

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<sup>15</sup> A more thorough treatment may be found in the book, "Mindfulness for Law Students," which is being used in law school classes and mindfulness-related programs across the country, and by visiting the *The Mindful Law Student* website. *The Mindful Law Student Finding Balance and Success in Law School*, INSTITUTE FOR MINDFULNESS STUDIES, <http://themindfullawstudent.com/Home.html> (last visited Mar. 22, 2012); see also *supra* note 8.

<sup>16</sup> The presentation was part of a full-day CLE lecture program sponsored by Lorman

practice, I invited attorneys to visualize themselves holding a judge's gavel in one hand, and then guided them through a series of mental exercises that engaged the various senses—feeling the weight of the gavel, its texture, temperature—listening to the pounding the gavel against a table—and then feeling the gavel as they imagined tapping it against the palm of their other hand.<sup>17</sup> This exercise, known as “Order in the Cortex” offers one example of *Jurisight's* use of legal terminology and imagery to integrate mindfulness, neuroscience and the law.<sup>18</sup>

Other instructive examples include *Jurisight's* use of terms like “Justice,” “Hearsay,” and “Split in the Circuits” to teach fundamental mindfulness concepts and explore the neuroscience research running alongside mindfulness practices. *Mindfulness insights* are shared, for example, by breaking apart “Justice,” into “Just Is.” Students consider how much more effective they might be in bringing about just outcomes if they cultivate the wisdom of embracing what has taken place—and is arising in the moment—as something that “Just Is.”<sup>19</sup>

A mindfulness practice for working with reactive thoughts is explored through the term, “hearsay,” which reminds students of the value of noticing their thoughts. We share with students the insight that “thoughts are not facts,” that we all have a tendency to accept our thoughts as true, that there are sometimes adverse consequences of doing so. Students are invited to exclaim, “Objection Hearsay!” when they find themselves becoming agitated as a reminder to pause and notice the arising of “out of mind” statements asserted to be the

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Education Services. I am grateful to Frederick J. Fein, a fellow member of the Dade County Bar Association's Professionalism Committee, who had coordinated that day's program and invited me to present on a topic of my choosing that related to professionalism.

<sup>17</sup> As the group of fifty was introduced to a short breath-awareness exercise, a palpable relief billowed across the room as it became clear that there was a hunger for these types of contemplative practices in the lives of many lawyers. While there is sometimes a hesitation to boldly go in this direction, the experience of many suggests strongly that when done competently, confidently, and skillfully, the response is positive.

<sup>18</sup> A video of this exercise can be viewed at [www.mindfullawexercises.oitc.html](http://www.mindfullawexercises.oitc.html). The term “cortex,” which refers to the brain's cortex, is a play on the legal term “court.” The legal term “order” refers to the sifting of brain activity toward a more integrated state. See, e.g., THE MINDFUL BRAIN, *supra* note 10.

<sup>19</sup> See Scott Rogers, *Mindfulness Memo: Justice and the Key to Optimizing Opportunity*, THE RES IPSA LOQUITUR, 2010, at 6, available at [http://miamimindfulness.org/res\\_ipsa\\_just\\_is\\_2010.pdf](http://miamimindfulness.org/res_ipsa_just_is_2010.pdf).

truth.<sup>20</sup>

Basic neuroscience findings are frequently introduced to ground the mindfulness material in a hard science and inspire practice. For example, students learn about the brain's executive decision-maker, the prefrontal cortex, the brain's emotional core, the limbic center, and of the value of these two regions "working together" in responding to events and making decisions. Because the unexpected, unwanted, and undesirable aspects of practicing law (and living life) can frequently disrupt the smooth flowing communication between the two regions, we refer to this event as a "Split in the Circuits." In addition, written practices, such as the "Motion for Relief from Judgment," allow students to explore how mental chatter and judgmental beliefs can arise out of afflicted feelings and interfere with effective decision-making.<sup>21</sup>

Exercises involving paying attention to the breath are at the heart of a mindfulness practice. In *Jurisight*, breath awareness practices incorporate the hands and are known as "Learned Hand Exercises."<sup>22</sup> A related exercise, and one that helps to reinforce the insight of "Just Is" asks students to "Stop, Look and Listen" and breathe with awareness of what "Just Is." This exercise is known as the "Just Is Holmes" exercise.<sup>23</sup>

As the above examples illustrate, *Jurisight* introduces law students to mindfulness insights in a manner that is enjoyable, memorable, and allows them to practice mindfulness exercises in a manner that is comfortable to them. This approach also offers classmates a common language to relate to their challenging and exciting law school experiences.

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<sup>20</sup> See Scott Rogers, *Opinion: Managing Law School Stress*, THE RES IPSA LOQUITUR, Mar./Apr. 2009, at 15, available at [http://miamimindfulness.org/res\\_ipsa\\_hearsay\\_2009.pdf](http://miamimindfulness.org/res_ipsa_hearsay_2009.pdf).

<sup>21</sup> See MINDFULNESS FOR LAW STUDENTS, *supra* note 8, at 106.

<sup>22</sup> See *Learned Hand Exercises*, LEARNED HAND, [www.learnedhand.org](http://www.learnedhand.org) (last visited Apr. 25, 2012).

<sup>23</sup> See Scott Rogers, *Stop, Look & Listen: Regain Your Focus Through Mindfulness*, THE YOUNG LAWYER, Vol. 15, No. 4, Feb. 2011, at 3. The instruction to "stop, look, and listen," derives from Holmes' opinion in *Baltimore & O.R. Co. v. Goodman*, 275 U.S. 66, 69-70 (1927), and happens to flow out of a traditional mindfulness exercise. "Just Is" Holmes Mindfulness Exercise Guided Practice, MINDFULNESS IN LAW PROGRAM (Feb. 3, 2012), [http://miamimindfulness.org/stop\\_look\\_listen.html](http://miamimindfulness.org/stop_look_listen.html).



### III. MINDFULNESS AT MIAMI LAW

In 2008, after participating in the CLE workshop, *Mindfulness, Balance and the Lawyer's Brain*,<sup>24</sup> Miami Law's Dean of Students, Janet Stearns, decided that a similar program would benefit Miami Law students and suggested a mindfulness class for 1L students.<sup>25</sup> One of Janet's early mandates was to increase wellness initiatives at the school. Twenty years prior to her appointment, Mitchell Rosen, a law student at Miami Law died by suicide. His parents, Jackie and Harry Rosen, made a contribution to Miami Law in memory of Mitchell to support student wellness initiatives.<sup>26</sup>

After receiving approval and support from Professor Donna Coker, the school's Academic Associate Dean, and Dennis Lynch, the schools' Dean, Janet Stearns, Iris Morera, then the Student Service Coordinator, and I explored practical approaches to offering an introduction to mindfulness to first semester students so that they might integrate mindfulness insights and apply mindfulness exercises during this challenging and exciting time in their law school education. We arranged for a six-week *Jurisight for 1L Students* class to be offered at the beginning of the 2008 fall semester.<sup>27</sup> We also scheduled two lunchtime mindfulness presentations<sup>28</sup> during "Wellness

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<sup>24</sup> The *Mindfulness, Balance & The Lawyer's Brain* workshop, approved in 2007 for 10 CLE credits by the Florida Bar, draws on the *Jurisight* method for sharing mindfulness with lawyers, law students, and judges. The heart of the *Jurisight* approach is set forth in MINDFULNESS FOR LAW STUDENTS, *see supra* note 8.

<sup>25</sup> As early as 2005, Miami law students were introduced to mindfulness when Professor Melvin Rubin began inviting me to meet with students in his mediation workshop and weave together a practical application of mindfulness and mediation. During this same time frame, Professors William Blatt and Clark Freshman were bringing mindfulness into their classrooms, with Professor Blatt incorporating it into his Emotional Intelligence curriculum, and Professor Freshman infusing it into his class on negotiation. Both Professors Blatt and Freshman participated in the 2002 Harvard Law symposium and contributed to the early writing in this area. *See* William S. Blatt, *What's So Special About Meditation? Contemplative Practice for American Lawyers*, 7 HARV. NEGOT. L. REV. 125 (2002); Clark Freshman, Adele M. Hayes, & Greg C. Feldman, *Adapting Meditation to Promote Negotiation Success: A Guide to Varieties and Scientific Support*, 7 HARV. NEGOT. L. REV. 67 (2002).

<sup>26</sup> Jackie and Harry Rosen formed the Florida Initiative for Suicide Prevention. *See* FLORIDA INITIATIVE FOR SUICIDE PREVENTION, <http://www.fisponline.org/> (last visited Mar. 26, 2012); *see also* HELENE LEVIN, *THE BUTTERFLY ON MY SHOULDER: A GRIEF JOURNEY OF LOVE AND GROWTH TO INSPIRE HEALING* (2009).

<sup>27</sup> The *Jurisight* class, which met each week for two hours, was a non-credit offering. Students learned of the class through an announcement made during orientation, and fifteen enrolled. Eight showed up the first day, and six attended most sessions.

<sup>28</sup> Two variations of the mindfulness workshop, "From Worrier to Warrior," were offered

Week,” an event inspired by Jackie and Harry Rosen, offering law students mental health and wellness resources. The student response to these programs was positive and Miami Law decided to expand upon these offerings.

As the Fall 2009 semester approached, Miami Law’s innovative new dean, Patricia White, requested a more robust offering of mindfulness instruction.<sup>29</sup> With that crucial nod, the school’s contemplative practices program was born.<sup>30</sup> Dean Stearns and Iris Morera arranged for me to speak to the entering class during orientation and more than 120 students signed up to participate in the upcoming 8-Week *Jurisight* class.<sup>31</sup> We also offered upper level students a half-day “Mindfulness, Balance & The Law Student’s Brain” workshop,<sup>32</sup> and a seminar series titled, “Ask Not What Your Brain Can Do For You . . . Ask What You Can Do For Your Brain,” introducing students to the neuroscience of exercise, sleep, meditation, and

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to law students as a luncheon presentation and later in the afternoon to Miami Law’s faculty and staff.

<sup>29</sup> Michael Bossone, Special Advisor to Miami Law’s Dean was a strong advocate for the mindfulness program and is a leader in developing new and cutting-edge innovations in legal education. In particular, he co-developed, with Professor Michele DeStephano Beardslee and Dean White, the internationally recognized course, “Law without Walls,” that brings together faculty and students from numerous law schools across the world. Each semester the class has been offered, they have included in their curriculum as “Projects of Worth,” topics that embrace mindfulness and emotional intelligence. See LAW WITHOUT WALLS, <http://lawwithoutwalls.org> (last visited Mar. 26, 2012).

<sup>30</sup> The comprehensive series of offerings begun in 2009 was identified as part of the school’s Contemplative Practices Program. An online version of the pamphlet provided to each student at orientation can be found on The Mindful Law Student website at [http://themindfullawstudent.com/brochure\\_2009.html](http://themindfullawstudent.com/brochure_2009.html) (last visited Mar. 12, 2012).

<sup>31</sup> Such direct contact with the student body about the mindfulness program has proven hugely important to its success. While one class with thirty students was planned, it was necessary to create three classes to meet the scheduling needs of the students and keep each class to a number that was large enough to create a sense of community while allowing the opportunity for robust dialogue, interaction, and the students’ individual desires to be heard and understood in a supportive, intellectually stimulating, and enjoyable environment. The first semester class remains a non-credit offering. Class sizes ranged from fifteen to forty-five students. As discussed in Section VII, *supra*, the seating structure of the room has proved to be among the more important factors in maintaining student interest and participation.

<sup>32</sup> See MIAMI LAW, [http://mindfulnessinlaw.com/Workshop\\_-\\_Mindfulness,\\_Balance\\_and\\_the\\_Law\\_Students\\_Brain.html](http://mindfulnessinlaw.com/Workshop_-_Mindfulness,_Balance_and_the_Law_Students_Brain.html) (last visited Mar. 28, 2012). The workshop was first made available to students at the University of Florida Levin School of Law in 2008 at the invitation of Professor Leonard Riskin. Such collegial support along with crucial student feedback proved fundamentally important to the further development of the *Jurisight* program.

food.<sup>33</sup> Mindfulness programs were included in that year's "Wellness Week" further integrating related practices such as yoga, aromatherapy, and the drinking of green tea.

In the Spring 2009 semester, we offered a *Jurisight* class for underperforming second semester students to help them remain focused and motivated in their efforts to improve their performance, countering and perhaps attenuating the natural tendency to feel overwhelmed with regret of the past and fear of the future. A *Jurisight* class also was offered to graduating students, with a focus on interviewing, taking the bar exam, and beginning practice, teaching tools for embracing uncertainty with courage and optimism.

This programming continued to evolve in the 2010 academic year with increased attention to the core curriculum. Janet Stearns paved the way for a "Professional Responsibility and Mindfulness" class, which Jan Jacobowitz—Director of Miami Law's Professional Responsibility and Ethics Program<sup>34</sup>—and I co-developed and have been teaching each semester since.<sup>35</sup> The 2010 Spring Semester also ushered in a new annual event, *The Judge's Breakfast: A Frank Discussion of Mindfulness and Decision Making*—where twelve students who have participated in a mindfulness program enjoy breakfast in chambers with U.S. District Judge, Alan S. Gold, of the Southern District of Florida.<sup>36</sup>

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<sup>33</sup> See *The Mindful Law Student: Finding Balance and Success in Law School*, THE MINDFUL LAW STUDENT, <http://themindfullawstudent.com/seminars.html> (last visited Mar. 28, 2012). These Saturday morning seminars were recorded and made available to students who were unable to attend the events. You can view one of these presentations on The Mindful Law Student website by visiting: [http://themindfullawstudent.com/exercise\\_smart\\_lecture\\_video.html](http://themindfullawstudent.com/exercise_smart_lecture_video.html).

<sup>34</sup> The Professional Responsibility and Ethics program is a part of the Center for Ethics and Public Service, directed by Professor Anthony Alfieri, who raised the issue of mindfulness in a recent article on community lawyering. See Anthony V. Alfieri, *Educating Lawyers for Community*, 2012 WIS. L. REV. 115 (2012).

<sup>35</sup> Miami Law School's Vice-Dean, Patrick Gudridge, an early proponent of the class, has offered us insightful guidance as the class has evolved over the years.

<sup>36</sup> The title of the program derives from Judge Jerome Frank's comment that a judge's decision can be based on what the judge had for breakfast, which is another example of infusing mindfulness in the law using its language and culture. Judge Gold participated in *The Mindful Lawyer* conference and spoke on civility and mindfulness in the law. See THE JUDGE'S BREAKFAST, <http://www.thejudgesbreakfast.com> (last visited Mar. 25, 2012). Judge Gold is co-founder of the South Florida Mindfulness in Law Committee, whose efforts have led to the formation of mindfulness in law task forces within the Dade County Bar Association and the Federal Bar Association for the Southern District of Florida, see *infra*, note, which are operating as a Joint Task Force to spearhead mindfulness education, programming, and

The Spring 2010 semester also saw the coming together of the vision of four Miami Law students and *Jurisight* alums, John Ainsworth, Nicole Crabtree, Amanda Leipold and Miraisy Rodriguez, who established the student organization, the Insightful Mind Initiative.<sup>37</sup> Miami Law professor, Osamudia James, serves as faculty advisor. Amanda Leipold, Nicole Crabtree, and Miraisy Rodriguez attended *The Mindful Lawyer* conference and Ms. Leipold served on a student panel.<sup>38</sup>

With this background material on the early days of Miami Law's mindfulness program in mind, the following section shares how those early efforts have evolved into Miami Law's Mindfulness in Law Program.

#### IV. MIAMI LAW'S MINDFULNESS IN LAW PROGRAM

In 2010, Miami Law decided to formally establish a Mindfulness in Law Program. This program was launched in January 2011 and furthers the work in progress to infuse mindfulness into the law school community. Today Miami Law offers its students, faculty, administrators and staff an increasingly comprehensive series of mindfulness classes, presentations, seminars, and workshops—programs that integrate mindfulness into the core curriculum, and across the workplace. Below is an overview of the ways mindfulness is infused across the law school experience.

##### A. Mindfulness in the Curriculum

After the *Jurisight* program had begun to take root, Jan Jacobowitz and I began teaching Mindfulness and Professional Responsi-

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sitting groups in legal organizations including law firms and schools. See MINDFULNESS IN LAW JOINT TASK FORCE, <http://www.jtf.mindfulnessinlaw.com> (last visited Apr. 22, 2012).

<sup>37</sup> The Insightful Mind Initiative has a webpage, found at [www.insightfulmindinitiative.com](http://www.insightfulmindinitiative.com), and a Facebook page found at [www.facebook.com/IMI.at.UM.Law](http://www.facebook.com/IMI.at.UM.Law). See INSIGHTFUL MIND INITIATIVE AT MIAMI LAW, <http://www.insightfulmindinitiative.com> (last visited Mar. 25, 2012), INSIGHTFUL MIND INITIATIVE, <http://www.facebook.com/IMI.at.UM.Law> (last visited Mar. 25, 2012); see also Marjorie A. Silver, *Lawyering and its Discontents: Reclaiming Meaning in the Practice of Law*, 19 *TOURO L. REV.* 773 (2004).

<sup>38</sup> The panel was titled, *Mindfulness and the Law School Experience: Student Perspectives*, and can be listened to on the Internet. See THE PROCEEDINGS OF THE MINDFUL LAWYER CONFERENCE, [http://www.themindfullawstudent.com/amanda\\_leipold\\_panel\\_2012.html.mp3](http://www.themindfullawstudent.com/amanda_leipold_panel_2012.html.mp3) (last visited Mar. 25, 2012).

bility: Ethics for Lawyers in the Digital Age. This class has become a mainstay of the professional responsibility curriculum and, as with many mindfulness-related classes emerging in law schools across the country, enjoys a healthy waiting list.<sup>39</sup> In this class, students are introduced to a variety of mindfulness insights and exercises juxtaposed against a series of real life scenarios that threaten to breach the rules of professional conduct. Woven together in this way, students learn to recognize the ways that agitated states of mind and body such as feelings of urgency, not enough time, frustration, anger and fear can lead to poor decision making, and that the cultivation of mindful awareness can be helpful to noticing this tendency and responding in a more effective way, even in the midst of challenging situations.

A new class, Mindfulness in Law: Cultivating Tools for Effective Practice is being offered in the Fall 2012 semester. This class will integrate mindfulness insights and exercises across a variety of legal practice areas. So that students may appreciate the ways that this course material has real world application in the professional lives of lawyers and judges, students will learn about the recently formed Mindfulness in Law Joint Task Force and some of its members will visit the class and share with students how they have integrated mindfulness into their careers.<sup>40</sup>

In the Spring 2013 semester, Raquel Matas, Associate Dean for Administration, and I will teach a Mindful Leadership class. Mindfulness is also being introduced into other classes as an additional tool for students to draw upon as they master the course material and develop their skills. Students in Professor Melvin Rubin's and Dean Marni Lennon's mediation classes are introduced to mindfulness insights and exercises in the context of the role of the mediator.

## **B. Cross-Program Collaboration**

As faculty learns about the Mindfulness in Law Program, exciting collaborations are taking place to develop and offer mindful-

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<sup>39</sup> This class is now titled Mindful Ethics and is discussed at length in the forthcoming *Mindfulness and Professional Responsibility: A Guidebook for Introducing Mindfulness into the Legal Curriculum*. See ROGERS & JACOBOWITZ, *supra* note 4.

<sup>40</sup> The first meeting of the Joint Task Force was held on March 20, 2012, and its thirty-plus members include numerous state and federal judges, law faculty, members of the bar, and law students from Miami Law and FIU Law.

ness programming to students at critical periods in the semester. For example, the workshop, *Arguing Without Angst: The Mindful Oral Advocate*, was jointly developed and presented by Professors Rosario Schrier, director of Miami Law's Legal Communication and Research Skills ("LComm") program, Rachel Smith, and myself, to empower students as they develop their writing and advocacy skills. A related program, *Feedback Without Fear*, was co-developed with Professors Rachel Smith and Annette Torres. Collaboration is also taking root with Miami Law's Career Development Office. Luevenia Wallace Sterling, Assistant Director of Professional Development, has been working with the Mindfulness in Law Program to develop mindfulness materials to assist students in moving beyond procrastination and in gaining confidence in their efforts to prepare their resumes, network, and interview for employment. Associate Director of the Judicial Clerkships Amy Perez, and I have been working with the Mindfulness in Law Program to coordinate mindfulness events connected with the judiciary.<sup>41</sup>

Professors JoNel Newman, Melissa Swain, and Suzanne Villano are exploring ways that mindfulness may help students in their Health & Elder Law Clinic to cultivate resilience while engaged in the challenging work of assisting clients who have experienced trauma. The program we developed, "Mindfulness, Resilience, and the Unintentional Infliction of Emotional Distress," is shared with students in Professors Bernie Perlmutter, Kele Stewart, and Robert Latham's Children and Youth Law Clinic, and Professors Rebecca Sharpless and Farrin Anello's Immigration Law Clinic. This mindfulness program is modified for the different clinics, taking into account the subject matter, when in the semester it is offered, and the most salient aspects of the student experience at the time.

A great deal of coordination is involved in planning, scheduling, and promoting the various mindfulness classes and events. Miami Law's Post-Graduate Student Service Fellows, Audra Thomas, and Todd Cavalcanto (2010-2011), and Kathyn Desire, and Scott Merl (2011-2012) provided support and creative guidance to these classes and events. Greg Levy, director of the Student Service Fellows Program, with his vast knowledge of Miami Law's many mov-

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<sup>41</sup> Numerous judges in South Florida are interested in mindfulness and have visited Miami Law to speak with law students about mindfulness. For a listing of some of these judges, visit <http://themindfuljudge.com>.

ing parts, collaborates with the Mindfulness in Law program on a regular basis to facilitate the smart implementation of many of the program's events and its research initiatives.

### C. Mindfulness Workshops

Outside of the core curriculum, Miami Law offers a four-week "Mindful Eating" workshop, and a six-week summer workshop, "Finding Real Happiness in Life and Law," which is open to students, faculty, and staff.<sup>42</sup> Individual and small group instruction in mindfulness practices is made available to the law school community. Students are also offered mindfulness instruction on a one-to-one basis.

### D. Student Organization

The Insightful Mind Initiative continues to grow and is planning to work with students at other schools to establish a national student organization. Students meet on a regular basis to explore mindfulness and other contemplative practices and discuss how to incorporate them into their lives to help create a more fulfilling and effective life in the law.<sup>43</sup> A faculty-student collaboration between Professor Robert Rosen and myself and four students, Tamara Barnes, Christine Job, Rachel Kipnis, and Aamir Saeed, three of whom are former *Jurisight* students and members of the Insightful Mind Initiative, led to the award of an Arsht "Community and Ethics" research grant.<sup>44</sup> The program that was developed through this collaboration infused mindfulness insights into small group conversations, facilitated by attorneys and upper level students, with 1L's grappling with challenging first year issues and concerns.

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<sup>42</sup> Since 2010, I have been collaborating with University of Miami cognitive neuroscientist, Amishi Jha, who researches the connection between mindfulness practices and attention, working memory, and emotional regulation. Subsequent research will explore the role of mindfulness practices within the law school context and legal profession.

<sup>43</sup> See *supra* note 27.

<sup>44</sup> Arsht Ethics Initiatives Research Grants are awarded for research projects that address a contemporary moral issue that has implications for public policy, professional practice, human rights, and related fields. *Arsht Research on Ethics and Community Grants*, UNIV. OF MIAMI ETHICS PROGRAMS, [http://www.miami.edu/index.php/ethics/projects/arsht\\_research\\_on\\_ethics\\_and\\_community\\_grants/](http://www.miami.edu/index.php/ethics/projects/arsht_research_on_ethics_and_community_grants/) (last visited Apr. 15, 2012).

### **E. Mindfulness Programs for Miami Law Employees**

As part of the program's mission, mindfulness workshops are also being offered to the dedicated people who make possible the various school departments, clinics and programs. Examples include the workshop "Finding Balance in the Middle," offered to Joanne Koren's Dean's Fellows (high performing students who meet with faculty to mentor their first year students), mindfulness workshops for members of the Student Services department, and, as of this writing, the workshop, "This Moment is IT" is being planned for members of Ellen Greenfield's Information Technology department.

### **F. Mindful Spaces**

So that all students have the opportunity to be exposed to mindfulness practices of one form or another, Miami Law has created a series of "Mindful Spaces" which allow students, faculty and staff to experience a taste of mindfulness during their busy days. Each Wednesday the "Mindful Space" known as "Green Tea on the Bricks" serves hot and iced organic green tea in the central area of the law school.<sup>45</sup> Mindful Spaces can be found in an area of the law library where comfortable chairs create an environment for relaxation and reflection,<sup>46</sup> and outside where hammocks are soon to be strung from nearby trees, offering students the opportunity to nap to enhance their learning and replenish depleted resources. In "Going Beyond the Four Corners," a weekly "Mindful Space" that brings together students and faculty, the group reads a short passage from a wisdom tradition, reflects on its content during a period of silent contemplation, and then discusses how it relates to the study of law and life be-

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<sup>45</sup> "Green Tea on the Bricks" is a collaborative effort that has been successful thanks to the commitment, creativity, and generous contribution of time of Miami Law students, Odetta Norton, Christina Sava, Joseph Matthews, Orchadia McLean, Allia Skalli, and Nicole Crabtree. The collaboration also reaches into the corporate world and to Numi Organic Tea, a longtime supporter of the Mindfulness in Law Program. The drinking of tea is introduced in various mindfulness classes as a mindfulness practice and also for its health benefits. Students express interest and gratitude for this introduction to tea and many begin to incorporate tea drinking into their day.

<sup>46</sup> Sally H. Wise, Director of the Law Library and Professor of Law, and Student Bar Association President, Gigi Soliman (2011-2012), together coordinated the thoughtful allocation of library space and the disbursement of student government funds to create this space.



fore closing with a ten-minute mindfulness sitting.<sup>47</sup> “The Daily Constitutional” is a once a week twenty-minute walk around a nearby lake with Dean of Students, Janet Stearns. And, in an effort, to allow the mindful practice of yoga to be more accessible, beginning in the Spring 2012, we will be offering “The Short Stretch” where students and faculty can recharge during the day, guided through shortened versions of popular asanas, or poses, without having to change clothes or get too hot and sweaty.<sup>48</sup> A mindfulness sitting group creates a space for faculty and staff to come together to learn and practice mindfulness meditation.<sup>49</sup>

As the above recitation of mindfulness programs suggests, the opportunities for integrating mindfulness into the law school experience take many forms, draw on the creative, emotional and intellectual qualities of the faculty and administration, and allow for an engaged collaboration that enriches the process and makes more meaningful the experience.

## V. CONCLUSION

Miami Law’s Mindfulness in Law Program, along with many other schools’ mindfulness and contemplative practice initiatives, are illuminating the path of their own next steps as well as inspiring and informing a generation of legal educators interested in offering their students a more complete legal education. As is the case in all evolutions, we cannot know what this field will look like in the years to

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<sup>47</sup> “Going Beyond the Four Corners,” established in Fall 2011, was co-developed with Rachel Tuckerman, a Miami Law student, and Joy Clayton, Assistant to the Associate Director of Academic Affairs.

<sup>48</sup> Yoga is becoming a popular offering at law schools, owing in large part to the growing national interest in yoga and the availability of certified yoga instructors. Law schools interested in offering yoga will want to explore liability issues, as injuries are not uncommon for many who practice yoga. While most are minor, and frequently more a matter of soreness, the growing popularity of yoga is making prominent this concern. The “Short Stretch” is designed to reach a larger number of students, allowing some to try yoga who might otherwise not be inclined, whether through intimidation, the time commitment, or a concern with changing clothes. The first “Short Stretch” class was held during Miami Law’s Spring 2012 Mental Health Day when Ashwin Mehta, MD, an integrative medicine physician with the University of Miami Miller School of Medicine, spoke on the importance of sleep. Prior to his luncheon presentation, Dr. Mehta led a 15-minute “Short Stretch” yoga session. Sarah Klein, a Student Development Director who is also a certified yoga instructor, will be collaborating with the Mindfulness in Law program to coordinate this initiative.

<sup>49</sup> A more complete listing of mindful spaces can be found at [http://www.miamimindfulness.org/Mindful\\_Spaces.html](http://www.miamimindfulness.org/Mindful_Spaces.html).

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come. This is in keeping with a mindfulness practice that embraces change as something that “Just Is,” and inspires openness to the mystery of what is yet to come. At the same time, a system that operates with awareness and compassion as its core elements is likely to inspire a development that engages the intellect, eases suffering, and broadens the horizon of what is possible.