

# USING MINDFULNESS MEDITATION TO FOSTER REFLECTION IN EXTERNSHIPS

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*“Awareness, acceptance, action—this pattern of transformation is not a mere formula, but a systematic process that requires continuous attention if we are to actually claim the lives that we say we want.”<sup>1</sup>*

## INTRODUCTION

There is a deep need for students to explore and connect with their inner experiential world as part of legal education. Studies of lawyer happiness reveal that lawyers, like most people, experience more joy and satisfaction when they feel autonomous, connect with others, and feel competent in their work.<sup>2</sup> When these protective factors are not present, law student and lawyer well-being is threatened resulting in substance abuse, increased anxiety and depression, and other mental health challenges.<sup>3</sup> These challenges to attorney and law student health, coupled with sleep deprivation,<sup>4</sup> continue to impair the profession’s competence to practice.

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1. F. GREGORY COFFEY & MAUREEN C. KESSLER, A.B.A., *THE REFLECTIVE COUNSELOR: DAILY MEDITATIONS FOR LAWYERS* 4 (2008).

2. Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 *GEORGE WASH. L. REV.* 554, 585 (2015).

3. Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 *J. LEGAL EDUC.* 116, 145-56 (2016); see also Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 *J. ADDICTION MED.* 46, 51 (2016).

4. Catherine Rampell, *America’s 10 Most Sleep-Deprived Jobs*, *N.Y. TIMES ECONOMIX BLOG* (Feb. 22, 2012, 4:41 PM), <https://economix.blogs.nytimes.com/2012/02/22/americas-10->

Studies have found that almost one-quarter of law students frequently binge drink, and one-third of law students misuse drugs, or suffer from moderate or severe anxiety.<sup>5</sup> A massive thirty-seven percent of law students report suffering from anxiety at a rate which is two and a half times higher than other graduate student populations.<sup>6</sup> The statistics do not improve when lawyers enter practice.<sup>7</sup> Hazardous, harmful, and potentially addictive drinking rates soar to nearly one third of younger attorneys when researchers analyzed attorneys who have been practicing for less than ten years.<sup>8</sup> In response to this crisis in the profession, the National Task Force on Lawyer Well-Being recommends that well-being education, including the practice of mindfulness meditation, be incorporated into the legal curriculum.<sup>9</sup>

In an externship setting, students are for the first time beginning to combine theory with practice. Externship faculty ask students to reflect, self-evaluate, develop goals for learning, and develop their professional identity as part of law school externship courses. Mindfulness, “the process of actively noticing new things [in a way that is] more sensitive to context and perspective”<sup>10</sup> can help students complete these assignments in a more meaningful and engaged way. Often, issues arise that challenge students’ sense of justice or faith in the legal system. The practice of mindfulness exposes students to their own thoughts, feelings, and contradictions, which in turn opens them to reflecting on the shades of gray that lawyers experience in legal practice. One solution for confronting these disparities in the justice system is through in-class discussion and reflection, but mindfulness can also help. As Leonard Riskin concluded:

Mindfulness is a premier method for creating balance. The practice does not bring about exclusively rose-colored visions of people and society. At its very best, mindfulness practice can help lawyers see things as they

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most-sleep-deprived-jobs/ (reporting that Sleepy’s, the mattress chain, ranked lawyers as the second most sleep deprived occupation in the U.S. after analyzing data from the National Health Interview Survey).

5. Organ, *supra* note 3, at 145.

6. *Id.* at 137.

7. Krill, *supra* note 3, at 51.

8. *Id.*

9. See Bree Buchanan & James C. Coyle, A.B.A. NAT’L TASK FORCE ON LAWYER WELL-BEING, THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE 8, 27, 39, 52-53 (2017).

10. Alison Beard & Ellen Langer, *Mindfulness in the Age of Complexity* (interview with Ellen Langer), HARV. BUS. REV. (Mar. 2014), <https://hbr.org/2014/03/mindfulness-in-the-age-of-complexity>.

actually are, to hold in their awareness dramatically inconsistent thoughts and impulses and beliefs.<sup>11</sup>

Externship pedagogy is one place where mindfulness practices could be incorporated into experiential learning. Teaching mindfulness in the context of clinical legal education is beneficial because it provides students with dedicated class time to practice and explore mindfulness techniques which, if adopted, can aid in students' development of self-care practices, help to enhance their critical competencies, and improve learning engagement at their externships.<sup>12</sup> Additionally, "[m]indful experiential legal education can thus be understood as an expression of a more ethical and self-reflective professional practice stimulated by, and often culminating in, new narratives aimed at creating new norms grounded in collective engagement, risk-taking, problem solving, and action."<sup>13</sup> Law schools should strive to teach students to be reflective practitioners by encouraging reflection in classroom discussions, but experiential learning faculty should also be dedicating time in the classroom for students to connect with themselves.

The natural connection between reflection and contemplative practice may prove useful to law students beyond mere stress-reduction. Through exposure each class, the academic course component to an externship program allows students to practice cultivating the habit of mindfulness over a semester. Although introduction to the practice is a good first step, continued practice outside of class is what ensures that the practice makes a lasting and sustainable impact. Utilizing mindfulness as a thread throughout the externship curriculum is a way for students to cultivate tools of awareness – of their breath, thoughts, emotions, feelings, body, empathy, sounds, and eating habits – which they can carry with them into their other coursework and throughout the course of their legal practice.

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11. Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 HARV. NEG. L. REV. 1, 66 (2002).

12. Mindfulness meditation has been shown to enhance lawyer competencies such as: increased focus, see Michael D. Mrazek et al., *Mindfulness Training Improves Working Memory Capacity and GRE Performance While Reducing Mind Wandering*, 24 PSYCHOL. SCI. 776, 780 (2013); working memory, see Amishi P. Jha et al., *Examining the Protective Effects of Mindfulness Training on Working Memory Capacity and Affective Experience*, 10 EMOTION 54, 61 (2010); ethical decision-making, see Shauna L. Shapiro et al., *Mindfulness-Based Stress Reduction Effects on Moral Reasoning and Decision Making*, 7 J. POS. PSYCHOL. 504, 510 (2012); reduction in racially discriminative behavior as well as age and race bias, see Adam Lueke & Bryan Gibson, *Brief Mindfulness Meditation Reduces Discrimination*, 3 PSYCHOL. CONSCIOUSNESS 34, 39-40 (2016).

13. Thalia Gonzalez, *A Quiet Revolution: Mindfulness, Rebellious Lawyering, and Community Practice*, 53 CAL. W. L. REV. 49, 60 (2016).

## I. MINDFULNESS MEDITATION AS A COMPANION TO REFLECTIVE PRACTICE IN EXTERNSHIP PEDAGOGY

Reflective professional practice has been described as “the conscious process of naming what you have observed or experienced and connecting it to the professional identity you are forming.”<sup>14</sup> Reflection is considered to be a cornerstone of externship pedagogy<sup>15</sup> and also has been shown to improve workplace performance.<sup>16</sup> Reflection is often considered to be one form of contemplative practice.<sup>17</sup> Patricia Owen-Smith points out that contemplative education is comprised of three modes of inquiry: “traditional academics, or third-person inquiry; experiential learning, or second-person inquiry; and contemplative, or first-person inquiry.”<sup>18</sup> This inner experiential world is often left unexplored by law students. Incorporating mindfulness into an existing externship curriculum can serve as a tool to connect students with themselves as well as their externship experience.

Any practice by its nature is experiential. One aspect of experiential learning theory is that “[l]earning is a holistic process of adaptation to the world. Not just the result of cognition, learning involves the integrated functioning of the total person—thinking, feeling, perceiving, and behaving.”<sup>19</sup> Professor and Director of Legal Writing Teresa Brostoff suggests that, law schools should “start to consider mindfulness education as an integral part of the experiential learning.”<sup>20</sup> Externship program curricula, which serve as a bridge to the professional legal world, offer a unique placement for these practices in part because the American Bar Association

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14. Alexander Scherr & Margaret Martin Barry, *Reflection and Writing Journals*, in *LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION* 204 (2016) (referring to the work of leading scholar Donald A. Schön).

15. Filippa Marullo Anzalone, *Education for the Law: Reflective Education for the Law*, in *HANDBOOK OF REFLECTIVE INQUIRY: MAPPING A WAY OF KNOWING FOR PROFESSIONAL REFLECTIVE INQUIRY* 85, 92 (Nona Lyons ed., 2010); *see generally* Adrian Evans et al., *Reflective Practice: The Essence of Clinical Legal Education*, in *AUSTRALIAN CLINICAL LEGAL EDUCATION: DESIGNING AND OPERATING A BEST PRACTICE CLINICAL PROGRAM IN AN AUSTRALIAN LAW SCHOOL* (2017).

16. Giada Di Stefano et al., *Making Experience Count: The Role of Reflection in Individual Learning*, 14-15 (Harv. Bus. Sch., Working Paper No. 14-093, June 14, 2016), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2414478](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2414478) (showing that call center employees who spent fifteen minutes reflecting about their work day performed 23% better after ten days than those employees who did not reflect).

17. PATRICIA OWEN-SMITH, *THE CONTEMPLATIVE MIND IN THE SCHOLARSHIP OF TEACHING AND LEARNING* 7, 39-41 (2018).

18. *Id.* at 15.

19. Alice Y. Kolb & David A. Kolb, *Learning Styles and Learning Spaces: Enhancing Experiential Learning in Higher Education*, 4 *ACAD. MGMT. LEARNING & ED.* 193, 194 (2005).

20. Teresa Brostoff, *Meditation for Law Students: Mindfulness Practice as Experiential Learning*, 41 *L. & PSYCHOL. REV.* 157, 168 (2017).

requires that externship courses contain some form of contemporaneous ongoing faculty-guided reflection.<sup>21</sup> Law is a profession and professionals must constantly learn and grow from their experience. By incorporating mindfulness practices into the legal curriculum, law schools send an important message that law students' individual experiences are central to their own learning and growth. Externship and clinical faculty serve as facilitators, guides, and coaches in helping to frame and interpret the students' experiences.

Some students are resistant to embracing reflection as a tool for learning, arguing that it is something that they do automatically. Alternatively, students do not perceive its value to their practice and professional growth. Historically, law schools have perpetuated this devaluation by placing more emphasis on substantive coursework over experiential learning although this is slowly changing.<sup>22</sup> Some students are more practiced at reflection and relatively self-aware while other students struggle to adapt their objective "think like a lawyer" mindset to a subjective internal dialogue which highlights feelings, emotions, judgments, and the decision-making process.<sup>23</sup> Even those who are self-aware, might not be as self-aware as they think.<sup>24</sup> Mindfulness meditation is a tool that can help students become engaged with this inner experiential terrain which can lead to fostering deeper reflection. Being able to reflect is important because reflection serves as "an active demonstration of a mind that can stand enough apart from its own opinions, values, rules, and definitions to avoid being completely identified with them. It is able to keep from feeling that the whole self has been violated when its opinions, values, rules, or definitions are challenged."<sup>25</sup> This observation, awareness, and acceptance is also the goal of mindfulness.

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21. A.B.A., ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 18-19 (ABA standard 304(a)(5) provides that "[e]xperiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must: (5) provide a classroom instructional component; or for a field placement, a classroom instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection.")

22. Anzalone, *supra* note 15, at 88.

23. *Id.* at 89 (highlighting that reflective practice is "a way of bringing the emotional self into what is largely an intellectual process").

24. Tasha Eurich, *What Self-Awareness Really Is (and How to Cultivate It)*, HARV. BUS. REV. (Jan. 4, 2018), <https://hbr.org/2018/01/what-self-awareness-really-is-and-how-to-cultivate-it> (finding that although more people consider themselves to be self-aware, only 10-15% of people that the researchers studied actually fit the criteria for internal and external self-awareness).

25. ROBERT KEGAN, IN OVER OUR HEADS: THE MENTAL DEMANDS OF MODERN LIFE 231 (1994).

Mindfulness meditation has been shown to increase the ability of individuals to self-regulate.<sup>26</sup> Self-regulation is defined as the “ability to manage attention, emotions, and behavior which is necessary for our effective everyday functioning including planning, decision making, well-being and academic success.”<sup>27</sup> Sometimes it is hard for students to reflect upon lessons learned when they do not have an openness to experience. Opening students up first to their own internal experience through silence and contemplative practice may coax them into “a witnessing of [their own] subjectivity that leads to an interruption and transcendence of [their] habitual perspectives and a freedom from [their] inflexible thought patterns.”<sup>28</sup>

Reflection and mindfulness are the complement to traditional “thinking like a lawyer” skills. These traditional analytical thinking skills, coupled with a contemplative practice like mindfulness, help students to identify and describe their feelings, to relate to their client, and to engage in creative thinking. The traditional notion of thinking like a lawyer is a limiting mindset. Instead, true legal thinking is mindful thinking. Externship faculty should continue to ask students to critically evaluate their externship experience, mindfulness however, should and can play a role. Reflection is imperative for students to learn as it is the process through which professionals solve problems.<sup>29</sup>

## II. INTRODUCING MINDFULNESS TECHNIQUES INTO THE EXTERNSHIP CURRICULUM

The Dickinson Law externship course introduces students to mindfulness meditation and begins to explore how mindfulness practices can increase self-awareness and be beneficial to the practice of law. The goal remains to provide a survey of mindfulness techniques that students can practice and then use as tools in their daily personal and professional lives while simultaneously exploring their professional values and practice preferences. Through the externship program, students search for the type of legal and contemplative practice that personally resonates with them while engaging in the self-learning process.<sup>30</sup>

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26. Yi-Yuan Tang et al., *The Neuroscience of Mindfulness Meditation*, 16 NATURE REV. NEUROSCIENCE 213, 214 (2015).

27. DUSANA DORJEE, NEUROSCIENCE AND PSYCHOLOGY OF MEDITATION IN EVERYDAY LIFE: SEARCHING FOR THE ESSENCE OF MIND 11 (2017).

28. Owen-Smith, *supra* note 17, at 33.

29. See generally DONALD A. SCHÖN, THE REFLECTIVE PRACTITIONER: HOW PROFESSIONALS THINK IN ACTION (1984).

30. Donald A. Schön, *Educating the Reflective Legal Practitioner*, 2 CLINICAL L. REV. 231, 250 (1995).

The academic course component of the externship program at Dickinson Law is structured with ten to fifteen minutes of mindfulness meditation at the beginning of each class, followed by a discussion of substantive topics, group discussion of “real-life” scenarios from the textbook,<sup>31</sup> and case rounds from students’ current work at their placements. The three-credit general externship class meets in-person bi-weekly for seventy-five to ninety minutes over the course of the semester.<sup>32</sup> Students are required to intern at their field placement for a minimum of ten hours each week.<sup>33</sup> Formal reflective papers also are assigned where students are asked to purposely think about key lessons they have learned from their experiences and comment on topics such as attorney competence, notions of justice and fairness, ways to improve the profession, and professional development.<sup>34</sup>

Reflection is introduced first along with information on why reflection is important, a brief overview of the theories of reflective practice,<sup>35</sup> and methods for successful reflection. A brief introduction to mindfulness meditation and its benefits follows, at which point reflective practice is linked to contemplative practice as a form of mindfulness itself. The class is introduced to a particular mindfulness technique, sits for a ten-minute group practice, and then journals silently for five minutes. Volunteers are asked to briefly reflect on what they experienced in the practice, what they disliked and liked about it, what challenges it presented to them, and what impact it had on them. Then the class continues with a brief lecture and discussion for the day. To the extent possible, the externship faculty supervisor links each particular mindfulness practice with the substantive topic being covered and discussed in class that day. Approximately ten to fifteen minutes of each seventy-five minute class are dedicated to incorporating mindfulness practices.<sup>36</sup> A sample of the curriculum’s substantive topics and its paired mindfulness practice is listed below.

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31. See generally SCHERR & BARRY, *supra* note 14, at 217-18.

32. Penn State Dickinson Law Internship Course Syllabus 1 (Spring 2018) (unpublished) (on file with author).

33. *Id.* at 2.

34. *Id.* at 3-4.

35. Including Kolb’s learning cycle and Gibb’s learning cycle visuals. See David A. Kolb & Ronald Fry, *Toward an Applied Theory of Experiential Learning*, in THEORIES OF GROUP PROCESSES 33 (Cary L. Cooper, ed., John Wiley & Sons Ltd. 1976); see also GRAHAM GIBBS, LEARNING BY DOING: A GUIDE TO TEACHING AND LEARNING METHODS 14-15 (1998).

36. See Adam Moore et al., *Regular, Brief Mindfulness Meditation Practice Improves Electrophysiological Markers of Attentional Control*, 6 FRONTIERS HUM. NEUROSCIENCE 1, 12 (2012) (finding that engaging in ten minutes of meditation daily for sixteen weeks improved attention).

CLASS THEME	MINDFULNESS PRACTICE
Introduction & Logistics, Expectations, and Goal Setting	Mindful Breathing (incorporating the RAIN technique <sup>37</sup> in the advanced section with second-semester interns)
Learning from Supervision and Getting Feedback	Body Scan
Communication & Developing Professional Relationships	Mindful Listening <sup>38</sup>
Ethics & Professionalism	Metta/Lovingkindness Meditation <sup>39</sup>
Implicit Bias, Responding to Workplace Dilemmas	The Judging Mind <sup>40</sup>
Mid-Semester Discussion on Common Themes from Reflective Papers	4-7-8 Breath <sup>41</sup>
Placement/Sector Specific Discussions	Mindful Eating

37. Tara Brach, *Feeling Overwhelmed? Remember "RAIN"*, MINDFUL (Jan. 13, 2016), <https://www.mindful.org/tara-brach-rain-mindfulness-practice/> (discussing the "RAIN" technique which stands for Recognize, Acknowledge/Accept/Allow, Investigate, and Non-Identify was said to have been coined by Michele McDonald).

38. Elizabeth Dorance Hall, *Mindful Listening*, PSYCHOL. TODAY (Mar. 31, 2017), <https://www.psychologytoday.com/us/blog/conscious-communication/201703/mindful-listening>. As part of the class on communication, a colleague who is an actor and improviser, teaches a unit on improvisation for lawyers. We begin this unit with a mindful listening exercise, but arguably we also incorporate another contemplative practice through a "character walk" exercise which has some parallels to a mindful walking exercise in that it asks participants to focus on their body language while walking after adjusting for various cues that are called out during the exercise.

39. See Sharon Salzberg, *What is Metta Meditation?*, TRICYCLE, <https://tricycle.org/magazine/metta-practice/> (last visited Nov. 4, 2018) (describing metta as a concentration meditation practice whereby the meditator directs thoughts of lovingkindness towards themselves and others).

40. The Judging Mind is based off a mindfulness meditation practice taught by Joseph Goldstein. See Joseph Goldstein, *The Judging Mind*, INSIGHT TIMER, <https://insighttimer.com/josephgoldstein/guided-meditations/the-judging-mind-mindfulness-meditation> (last visited Nov. 4, 2018).

41. In the 4-7-8 breath which is more of a breathing exercise than a meditation, students are instructed to inhale for a count of four, hold the breath for a count of seven, and exhale the breath to the count of eight. See Marc A. Russo et al., *The Physiological Effects of Slow Breathing in the Healthy Human*, 13 BREATHE 298, 304-05 (2017) (summarizing research that has shown that slow controlled breathing increases vagal tone resulting in a shift towards dominance of the parasympathetic nervous system which helps the body to rest and relax).

While this article is not meant to be a comprehensive review, I will briefly articulate the rationale for grouping some of the class themes and mindfulness practices into these pairings. I describe the practices that I introduced into the externship curriculum as mindfulness practices, but the practices vary between anchoring the awareness on a particular object (what is sometimes referred to as concentration practice) and creating open awareness of the thoughts, feelings, sensations, and emotions that arise upon observation (which is more traditionally known as mindfulness). Focusing on the breath is introduced first because this practice is an accessible entrée into meditation. Observing the breath, students are asked to begin to cultivate self-awareness surrounding how the breath feels in the body and how the mind struggles to maintain focus on the breath as anchor.

From the breath, we move to the body and begin to observe sensations, tension, or lack of feeling through the body scan exercise.<sup>42</sup> Coming to a meditative practice from a yogic tradition, I have found that for many people, “[t]he material body has a practical reality that is accessible. It is here and now, and we can do something with it.”<sup>43</sup> To be able to seek out and receive feedback, students must be attuned to what they are seeking. Linking the body scan to learning how to get effective feedback and work under supervision is appropriate because receiving feedback involves two opposing paradigms; the desire to feel accepted, and the willingness to learn and be open to change.<sup>44</sup> Nowhere is this tension more acute than when focusing on our physical being. Emotional and psychological distress is often stored as pain and discomfort in the body.<sup>45</sup> We can feel sick in our stomach when we are disappointed by the significant edits and constructive feedback we receive on an assignment or project. Many students comment during the body scan that they did not realize how tense their jaw and shoulders were until they were asked to relax the body. Tightness in the jaw, neck, and head often correspond to feeling stressed about deadlines or exerting strong mental effort without a break. A racing heartrate or tightness in the diaphragm can

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42. The body scan is a form of meditation that uses the body as the object of attention. Students are asked to systematically examine different parts of the body and relax any tension that they observe in each area. See JON KABAT-ZINN, *COMING TO OUR SENSES: HEALING OURSELVES AND THE WORLD THROUGH MINDFULNESS* 252 (2006) (“If you think of your body as a house, the body scan is a way to throw open all the windows and doors and let the fresh air of awareness sweep it clean.”).

43. B.K.S. IYENGAR, JOHN J. EVANS & DOUGLAS ABRAMS, *LIGHT ON LIFE: THE YOGA JOURNEY TO WHOLENESS, INNER PEACE, AND ULTIMATE FREEDOM* 61 (2005).

44. DOUGLAS STONE & SHEILA HEEN, *THANKS FOR THE FEEDBACK: THE SCIENCE AND ART OF RECEIVING FEEDBACK WELL* 8 (Penguin Group 2014).

45. See generally BESSEL A. VAN DER KOLK, *THE BODY KEEPS THE SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA* (Penguin Books 2015).

originate from fear of being unable to meet supervisor expectations or feeling incompetent or uncertain in a new role.

Recognizing the judgments that the mind makes about ourselves and others is a natural fit for topics such as implicit bias and cultural competency. Cultivating awareness of these micro-judgments such as “I’m not doing this right,” or “I am bad at meditation” can lead to discussion and reflection on unconscious bias that has colored our interactions with law school faculty, students, clients, supervisors, parties to the legal system, and judges. The class centered around communication utilizes improvisation tools to teach these vital lawyering skills to students. Improvisation is a form of mindfulness.<sup>46</sup> One major tenet of improvisation and communication is active listening, which also can be an element of practicing mindfulness. Additionally, studies have suggested that clients most value attorneys who are responsive and listen which is not always what lawyers think is the most important trait.<sup>47</sup> Accordingly, the mindfulness practice in this communication lesson is centered on anchoring the awareness to sounds as they come and go. This could include both external and internal physical sounds as well as the ongoing “internal noise” that we all experience.

Drawing parallels between Randall Kiser’s articulation of professionalism as a series of duties<sup>48</sup> and metta practice (also known as lovingkindness meditation),<sup>49</sup> we explore this compassion-based practice on the day that we review relevant rules or professional conduct and discuss ethical questions that can arise in practice.

PROFESSIONALISM	COMPASSION PRACTICE
Duties to Self	May I/you/they/all beings be Safe May I/you/they/all beings be Happy May I/you/they/all beings be Healthy May I/you/they/all beings Live with Ease
Duties to Clients	
Duties to Other Attorneys & Judges	
Duties to the Legal Profession	
Duties to Society	

Students are instructed to first extend compassion to themselves. Next, students send kind thoughts to a particular family member or loved one, to

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46. BOB KULHAN & CHUCK CRISAFULLI, GETTING TO “YES AND”: THE ART OF BUSINESS IMPROV 57-58 (2017).

47. RANDALL KISER, SOFT SKILLS FOR THE EFFECTIVE LAWYER 32-34 (2017).

48. *Id.* at 264, 268-87.

49. Salzberg, *supra* note 39.

an acquaintance, to someone with whom they have a challenging relationship, and lastly to all beings which reinforces the connection that students have with others. The extension and transmission of compassion to others underscores the responsibility and accountability we assume for ourselves and others by becoming members of the legal profession. Furthermore, self-determination theory recognizes that connection with others is a basic psychological need which can contribute to well-being, happiness, and protect against psychological distress.<sup>50</sup>

I introduce students to a mindful eating exercise as the last practice. Drawing from the Mindfulness-Based Stress Reduction curriculum,<sup>51</sup> I instruct students to methodically examine a box of raisins and then ask them to proceed to slowly taste one raisin after observing it, smelling it, listening to it, and feeling it. Hoping to appeal to any of the meditation skeptics and those students who lack the accountability and discipline to bring a formal mindfulness meditation practice into their daily life, I wanted students to view an essential daily activity, such as consuming a meal or beverage, and see if they could slow down, pay attention, and make it a mindful experience. Connecting mindfulness to an activity that is already deeply established in the daily rituals of a law student may be more approachable and easier for students to implement.<sup>52</sup> Mindful consumption also provides an opportunity for students to observe how easily the mind can become distracted when multitasking and taking in multiple stimuli.

### III. LESSONS AND IMPROVEMENTS FOR THE FUTURE

Feedback for this curricular innovation has been overwhelmingly positive. In fact, seventy-six percent of students responded affirmatively when asked whether they have found benefit from being introduced to mindfulness practices.<sup>53</sup> The practices that resonated the most with students were mindful breathing and the body scan followed by 4-7-8 breathing.<sup>54</sup> Some students had prior experience with meditation, mindfulness, or other

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50. See Krieger & Sheldon, *supra* note 2.

51. JON KABAT-ZINN ET AL., MINDFULNESS-BASED STRESS REDUCTION (MBSR) AUTHORIZED CURRICULUM GUIDE 13-14 (Saki F. Santorelli et al. eds., 2017), <https://www.umassmed.edu/globalassets/center-for-mindfulness/documents/mbsr-curriculum-guide-2017.pdf>.

52. See Scott Rogers, *Mindfulness, Law and Reciprocal Practice*, 19 RICH. J. L. & PUB. INT. 331, 334 (2016) (coining the term “[r]eciprocal practice” to describe “the ways that *our professional lives serve as perhaps the greatest vehicle for the application of mindfulness practice*, as opposed to looking outside of our professional lives to practice mindfulness.”).

53. Anonymous Student Feedback Surveys from Internship Course (Spring 2018) (unpublished) (on file with author).

54. *Id.*

contemplative or devotional practices, while others were new to the practice.<sup>55</sup> Most students found benefit from being introduced to these practices.<sup>56</sup> Sixty-two percent of students indicated that they thought mindfulness helped them to be more reflective.<sup>57</sup> Students shared this sentiment that mindfulness helps to cultivate reflection in the following individual reflections:

*I think indirectly [mindfulness] helps one be able to sit down, focus, and think about the internship/lawying experience. It gives one the tools to be able to reflect better.*

*Sometimes while meditating I think about legal issues and a new way to argue something will pop into my head or figure out how to handle a situation that had bothered me and the quiet allowed me to hear my own thoughts.*

*I think starting this class with mindfulness allows a moment of introspection about my job and internship before starting my internship [for the day].*

*It is essential for me to use meditation to refocus and to empty my mind. This helps me to be able to think more clearly, and to think more calmly. It also helps me to think more broadly about issues.*

*I think I definitely pause some more now before jumping to conclusions. It helps me think things through a little better.<sup>58</sup>*

Just as reflection needs to be practiced, so too does meditation to have an impact. During the externship class, students learned the skill of mindfulness meditation and how those mindfulness skills could be important to helping them bring their whole selves to legal practice. One important missing component that was not mandated by the course was daily practice. Although engaging in a brief ten-minute mindful breathing meditation over a sixteen-week period has been shown to enhance an individual's executive control function related to attention, a daily individual practice was central to these results.<sup>59</sup> Students in the externship program were asked to meditate as part of class, but there was no commitment made to individual daily practice. In future semesters, the curriculum may be updated to include a weekly mindfulness journal for students to record and reflect upon the mindfulness practice they have undertaken each week. This journal could provide more data about the extent to which students are utilizing the mindfulness practice tools and the success to which they have been able to integrate it into their lives. That said, of those students surveyed, fifty-nine

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55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.*

59. *See Moore, supra note 36.*

percent indicated that they had adopted a mindfulness practice outside of class.<sup>60</sup>

In the first semester, we practiced as a group in class. Voluntary student commentary was minimal. In the subsequent semester, a five-minute silent journaling component was added to allow those students who were more introverted to debrief their feelings and thoughts on paper as an alternative to sharing with the class. The silent journaling exercise was not collected. In future academic years, the course may incorporate a short weekly journal<sup>61</sup> or written reflective prompt dedicated to reflection on mindfulness and the home practice component. Likewise, other externship faculty may wish to begin each class with a reading from *The Reflective Counselor*<sup>62</sup> that highlights the themes of that day's class. During the first iteration of this course, I engaged in these readings, but I have found that it was preferable, given time constraints, to have students engage in silent reflection themselves following the practice rather than being captive to traditional third-person inquiry. Dedicating fifteen minutes to a contemplative practice at the start of class also provided an opportunity to create a mindful community space within the classroom. There was a noticeable shift from the fidgeting and wandering eyes that characterized the first group practice at the beginning of the semester, to a complete and absolute silence and stillness that pervaded our sit during the last class session of the semester.<sup>63</sup>

#### IV. CONCLUSION

Mindfulness helps with finding meaning in experience. It can be used as a tool to connect students with themselves as well as their externship experience. When asked to put theory into practice in experiential settings, students at first may feel overwhelmed with their lack of subject matter or placement specific process knowledge. Students need to be coached into

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60. Student Feedback Surveys, *supra* note 53.

61. See J.P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL L. REV. 55, 58 (1996). (describing the benefits of journaling); Sharon G. Solloway & William P. Fisher, Jr., *Mindfulness in Measurement: Reconsidering the Measurable in Mindfulness Practice*, 26 INT'L J. TRANSPERSONAL STUD. 58, 58, 61, 72 (2007) (offering journaling assignments on mindfulness as a "compassionate intervention," developing a metric to measure the effects on undergraduate mindfulness and demonstrating that the value of mindfulness practice as a classroom assignment can be measured both qualitatively and quantitatively); see also Nathalie Martin, *Think Like a (Mindful) Lawyer: Incorporating Mindfulness, Professional Identity, and Emotional Intelligence into the First Year Curriculum*, 36 U. ARK. LITTLE ROCK L. REV. 1, 34-35, 38 (2014) (assigning first year law students to dedicate one hour each week to a wellbeing practice and journal about their experience to help cultivate self-awareness).

62. See generally COFFEY & KESSLER, *supra* note 1.

63. For context, I will also mention that this all occurred during an 8:00 AM class session on a Friday morning!

recognizing that they already possess the problem-solving, critical thinking, and legal research and writing skills necessary to perform and learn through experience. I ask students to reflect on their lack of experience as an asset because as Shunryu Suzuki stated, “[i]n the beginner’s mind there are many possibilities, but in the expert’s there are few.”<sup>64</sup> Drawing from the observational, self-awareness, and self-regulatory skills that are imparted through mindfulness meditation, law students may become more attuned to reflection, which is a requirement not only of externships, but of a lifetime of learning in the legal profession. Professional development after law school becomes students’ responsibility and in order to evolve as practitioners, students need to remain open to learning, to be constantly evaluating themselves, and be open to change. The two forms of complementary contemplative practices, mindfulness and reflection, together prepare law students to be holistically profession-ready.

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64. SHUNRYU SUZUKI, *ZEN MIND, BEGINNER’S MIND: INFORMAL TALKS ON ZEN MEDITATION AND PRACTICE 1* (Trudy Dixon ed., Shambhala 2011).