

The WellFem-in-Law ®

A column on well-being for I.O.W.A.

Column #7-2002:

Dear I.O.W.A.:

### ***On Mediation & Meditation***

A most remarkable happening took place in Des Moines the end of May and first of June as the Iowa Peace Institute of Grinnell, Iowa, hosted a 3 day Advanced Mediation Training workshop entitled “Mediation Mindsets and Mindfulness Meditation.” The trainers were Leonard Riskin, C.A. Leedy Professor of Law and Director of the Center for the Study of Dispute Resolution at the University of Missouri-Columbia School of law and Ferris Buck Urbanowski, M.A., formerly of The Center for Mindfulness in Medicine, Health Care and Society at the UMass Memorial Medical Center (center where Jon Kabat-Zinn’s well known stress reduction mindfulness meditation program was developed.)

This was truly a CLE where *being bored* just didn’t happen! Each day we practiced mediation scenarios and experienced different types of meditation exercises. We were busy, busy, busy and yet, quiet, quiet, quiet.

As we practiced mediation scenarios, we frequently stopped to quietly process ourselves and the experiences we were having. We tuned into our breathing, our bodily tensions, and our thoughts. All of this interior processing was designed to help increase our awareness—not only of ourselves and of how we were processing the experience, but also to assist us in understanding how others might also be processing their own experience.

Greater awareness comes through the process of developing mindfulness. “In Mindfulness Meditation, a person seeks to develop a ‘bare attention,’ or presence, i.e., to notice, without judging and with equanimity, whatever passes through her awareness—bodily sensations, emotions, sounds and thoughts.” Leonard Riskin, *The Contemplative Lawyer*, 7 **Harvard Negotiation Law Review** 624 (Spring 2002), citing to Joseph Goldstein’s **Insight Meditation—The Practice of Freedom**, 14 (1994).

Insight meditation or *vipassana* is from early Buddhist origin in India and Southeast Asia. It is different from Western mindfulness training developed by Ellen Langer of Harvard. The Western approach focuses on thinking and the Eastern approach focuses on *bare* awareness, or not thinking. *Id.*

As Goldstein notes: “A mind suffused with equanimity {i.e., my translation: serenity, stability, composure, especially under stress or strain} is poised and balanced with whatever may be arising in experience. We feel soft and spacious as things come and go; an equanimous mind does not move reactively at all.” *Id. Fn.107.*

### ***On Contemplative Practices...***

At the Mediation & Meditation workshop, we also experienced different forms of contemplation practice, including various forms of meditation (guided imagery, body scan,

breath focused), journal writing, walking meditation, silence in break periods and lunch time, Yoga and QiGong. Several meditations related to breathwork are suggested in Riskin's **The Contemplative Lawyer** article, complete with instructions on the exercises. See pps. 625-626, Fn. 110-111.

Riskin notes "Mindfulness meditation can produce important insights as well as practical benefits. Just as practice drills help basketball players hone their jump-shots, which they can use in games, mindfulness meditation can help people develop an ability to pay attention calmly, in each moment, which they can apply in everyday life. It enables us to see how our minds work, to experience our lives more fully." *Id.* p. 627.

### ***Meditation & Lawyering...What's The Connection?***

The general description of the traditional legal mindset, known as "the Lawyer's Standard Philosophical Map," is that of a fairly narrow and more legalistic view of human relations and the needs of clients. This mindset may lead to lawyer's missing opportunities to be of service to clients as well as actually missing connections with clients, i.e, not really *getting it* when it comes to understanding the client's *real* needs.

Benefits of mindfulness meditation practice include the possibilities of experiencing stress relief, often a major component of the legal practice, of feeling better about oneself and one's profession, and of increasing listening skills which may enhance negotiation skills. As a result, this has a greater possibility of enabling the lawyer to be better equipped to meet client needs. Practicing mindfulness with its focus on the present moment helps with *decoupling* events that would otherwise be real button pushers or distracters. We then are better able to make decisions about whether to stay engaged in the particular situation or to behave or respond or think differently and thereby actually change the dynamics of the particular event. This is, of course, particularly valuable with more explosive or stressful situations. *Id.* See pp. 647-654.

All of this may lead to a lawyer developing from the traditional *adversarial mindset* into a *more holistic* lawyer, maybe even one who practices *therapeutic jurisprudence* ("looking at law from the standpoint of its psychotherapeutic effects and seeks to encourage laws and practices that will have beneficial impacts.") *Id.* p. 609, 620 Fn 80.

### ***Meditation and Law Follow-Up***

Some of us from Iowa who attended this workshop would like to continue developing the theme of bringing mindfulness meditation to the practice of law. We would like to have a follow-up experiential workshop. Are you interested in learning more about bringing the benefits of mindfulness through meditation to your practice as well as to your personal life? Want to do some Yoga and QiGong, too? Please email your interest!

*Meanwhile, be good to yourself. **Keep deep breathing**...new studies show a connection with weight loss. 'Til next time, when we'll explore more on body-mind-spirit issues affecting our health in "The WellFem-in-Law™" column.*  
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