

*Effective and Sustainable Law Practice: the Meditative
Perspective*

210.6

University of California, Berkeley, School of Law

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--SYLLABUS—

A. GENERAL

This course will introduce students to the practice of meditation and explore the ways that meditation practice can help to develop skills that are directly relevant to the work of a lawyer. It will explore, from a meditative perspective, the ethical responsibilities of the lawyer, the stresses and challenges of the lawyer's life, and the management of the complex emotions that affect the lawyer (including anger, self-righteousness, and compassion). Members of the seminar will be expected to engage in regular practice of meditation, keep a journal of their reflections, and prepare two short papers in the course of the semester. Classes will be enriched by presentations from lawyers who have integrated the meditative perspective with their law practice.

Main elements in the course— These will be woven together through the semester:

1. Learning the skill of mindfulness meditation
2. Developing a meditative perspective and applying it to the tasks of the law student and the lawyer
3. Exploring the practice of wisdom—a life in balance, doing work that is congruent with your values, and reserving meditative time for silence and going inward—in relationship to the work of a lawyer
4. Skills development—listening , interviewing; developing empathy
5. Functioning as a responsible professional from the meditative perspective- from the Code of Professional Responsibility to making choices about career and life
6. Working for a more just, reflective and compassionate world

B. READINGS AND OTHER SOURCES

Books and Articles

-- Calloway, Deborah, *The Skillful and Joyful Lawyer: A Manual on Training the Mind*—Introduction; Chapter 5, Listening. (in manuscript)

--Halpern, *Making Waves and Riding the Currents: Activism and the Practice of Wisdom*

--Halpern, Forum, "Running on Empathy", Los Angeles Daily Law Journal, January 29, 2009

--Harris, Lin, and Selbin, *From "The Art of War" to "Being Peace": Mindfulness and Community Lawyering in a Neoliberal Age*, 95 Calif. L. Rev. 2073 (2007)

--Kabat-Zinn, Jon, *Wherever You Go, There You Are: Mindfulness Meditation in Everyday Life*

--Riskin, Leonard, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 Harvard Negotiation L. Rev. 1 (2002)

--Thich Nhat Hanh, *The Miracle of Mindfulness: A Manual on Meditation*

--Thich Nhat Hanh, *14 Mindfulness Trainings*.

Other Media

--Kabat-Zinn, Jon, guided meditations

--DVD of discussion of *Making Waves and Riding the Currents*, with Dean Christopher Edley, Professor Robert Reich, and Attorney General Jerry Brown

-- DVD, Interview of Daniel Goleman, author of *Emotional Intelligence*

C. COURSE REQUIREMENTS AND GRADING

Formal requirements:

A. Regular attendance at class; attention to reading assignments

B. Out of class: daily meditation practice, journal; submission of journal summary every two weeks
Regular meetings with partner for structured conversation.
Periodic exercises to be undertaken outside class.

C. Two reflective papers (no more than 2000 words each).

The first assignment: a reflective paper on Thich Nhat Hanh, *The Miracle of Mindfulness: A Manual on Meditation*.

The second assignment: *Draft your own Code of Professional and Personal Responsibility*, grounded in the course and in your meditation practice, and consisting of three elements: first, an introduction in which you describe your process in developing your code and create an overall context for the principles; second, a list of 5-10 brief and succinct principles, no more than a few sentences each; third, an explanation and discussion of each principle.

Grading will be on a pass/fail basis. A passing grade will reflect completion of the required activities described above and a good faith effort to engage with the material.

--SEMESTER SCHEDULE—

-subject to change-

1/12 WEEK 1– Introduction and Overview

- : Basic meditation instructions. The main themes of the course

1/19-26 WEEK 2-3 -- Exploring mindfulness

2/2 WEEK 4 – The development of the law/meditation connection , the practice of law, and the practice of wisdom—

How meditation has been received in the US; the evolution of law and meditation

The recent scientific findings about meditation and the brain.

Begin preparation of Reflective Paper #1, due Week 6, on Feb. 16-

2/9 WEEK 5 – Building legal skills--applying mindfulness to listening, client interviewing and counseling; creativity and problem-solving

2/16 WEEK 6 – Kindness, empathy, and compassion in law practice; Emotional intelligence

WEEK 7 Feb 23

– Discussion of themes raised in the papers

3/2-9 WEEK 8-9– Becoming a responsible professional

- The Code of Professional Responsibility and the meditative perspective— establishing trust, and effective communications; zealous advocacy

Week 9: Hand out paper #2 assignment, the Code of personal and professional responsibility, due in draft,

3/16 WEEK 10—Social justice and the meditative perspective

Spring Break

3/30 Week 11—Discussion of personal and professional responsibility with experienced lawyers who have integrated mindfulness into their law practice

4/6 WEEK 12 Mindfulness and the cultivation of wisdom

4/13 WEEK 13– Presentation and discussion of individual Codes of Personal and Professional Responsibility

4/20 WEEK 14– Summary and review of the experience of the course; how to carry the work forward