



TEXAS LAWYERS' ASSISTANCE PROGRAM

MINDFULNESS MEDITATION

Is the practice a saving grace for law students?

BY **KATERINA P. LEWINBUK**

Today's law students seem more stressed than ever. The current perception of the overpriced law degree and the uncertainty of future employment leave many in a challenging condition. Research has shown that law students suffer from higher levels of stress compared with other postgraduate students and tend to turn to alcohol, drugs, and additional unhealthy habits to alleviate the pressures of law school.¹ In fact, a recent survey by Yale Law School revealed disturbing results confirming "widespread" mental health issues, such as anxiety and depression, among students, with 70 percent of all participants revealing such struggles during their legal education.²

High levels of stress can distract students from their studies and disrupt the processing of information.³ It can also leave them unable to connect and empathize with others and, in turn, hinder personal and professional relationships. In the end, the tremendous demands of legal studies and the profession can take away from the lawyer's mission and personal satisfaction.

In an effort to improve the experience, law schools should arm students with the ability to care for their minds and well-being and reduce stress so they can obtain practice-ready legal skills while maintaining a healthy—or at least a semi-healthy—emotional balance. Mindfulness practice is one way of attempting to do this.

Research has proved that regularly practicing mindfulness leads to increased attention and focus, academic performance, and improved physical and mental welfare, all while reducing stress.⁴

Mindfulness is becoming mainstream in America. The National Institutes of Health has spent more than \$100 million on research pertaining to its benefits,⁵ while *Time* magazine has featured the subject on its cover⁶ and *60 Minutes* recently aired a segment on it.⁷ Pentagon leaders,⁸ Silicon Valley entrepreneurs,⁹ Google and General Mills employees,¹⁰ and a number of law schools and bar associations now practice mindfulness. With numerous professionals writing on it in different fields, mindfulness has also made its way to legal academic scholarship as evidenced by the hundreds of hits that appear when searching for the term on Westlaw or LexisNexis.

Mindfulness represents a Westernized secular version of ancient meditation practices. According to Jon Kabat-Zinn, a pioneer in the field, mindfulness is nonjudgmental awareness and a focus on paying attention deliberately, moment to moment, to the workings of the mind and body.¹¹ Mindfulness practice can be seamlessly incorporated into existing legal-education structures, and law schools that have adopted it as part of their curricula and educational programs report that students who practice mindfulness develop an improved capacity for interactions with their professors and classmates and are “better equipped” to deal with the unexpected twists in their legal careers and lives.¹²

Although thousands of law students, lawyers, professors, judges, and mediators have received mindfulness training in the “last decade through law school courses and non-credit programs or in retreats, workshops or conference programs, many of which offer CLE credit,”¹³ it is still not an easy sell in many law schools. But why? Doesn't mindfulness fit squarely within the legal profession's needs? Is the resistance based on opposing innovation or change or a perception that it somehow takes focus away from the traditional doctrine or Socratic method? Or is it just part of maintaining the status quo? Since the benefits of mindfulness are experiential in nature, maybe those who have never practiced it cannot relate. Perhaps it is all of the above?

Following the lead of the University of California, Berkeley,¹⁴ the University of Miami,¹⁵ the University of Florida,¹⁶ and many other law schools, the South Texas College of Law has recently offered a two-day pre-orientation mindfulness seminar to first-year students. Despite the event's voluntary nature, it was attended by the majority of 1Ls each of the two times it was

offered, and a subsequent survey revealed highly positive and enthusiastic feedback, with 83.8 percent of participants expressing an interest in learning more about the topic and taking a law school course in mindfulness. Consequently, the law school has now approved a “Mindful Lawyering” course worth one credit as an experimental offering.

With a high percentage of law students experiencing mental health issues, increasing tuition prices, and uncertainty of post-graduation employment prospects, mindfulness provides a pathway for students to handle these anxiety-provoking situations without turning to substance abuse. The “Mindful Lawyering” course can encourage students to practice mindfulness as a way of lowering levels of stress and dissatisfaction by sharpening their focus, concentrating longer, and increasing energy levels. Based on the recent statistics regarding stress in the legal profes-

sion, mindfulness seems to be exactly what we need. **TBJ**

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NOTES

1. Meghan Vivo, *Addicted Lawyers Start as Addicted Law Students*, Highlights American Bar Ass'n Comm'n on Lawyer Assistance Programs, 4 (Winter 2012), http://www.americanbar.org/content/dam/aba/publishing/highlights_newsletter/ls_colap_highlights_wi12.authcheckdam.pdf.
2. Joe Patrice, *If You're in Law School, You're Probably Depressed*, Above the Law (Jan. 15, 2015), <http://abovethelaw.com/2015/01/if-youre-in-law-school-youre-probably-depressed/>.
3. See, e.g., Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 Yale J. Health Pol'y L. & Ethics 357, 359 (2009).
4. See Amishi P. Jha, Jason Krompinger & Michael J. Baime, *Mindfulness Training Modifies Subsystems of Attention*, 7 Cognitive Affective & Behav. Neuroscience 109, 109-19 (2007); Richard J. Davidson et al., *Alterations in Brain and Immune Function Produced by Mindfulness Meditation*, 65 J. Biobehavioral Med.: Psychosomatic Med. 564, 564-70 (2003).
5. Elizabeth Harrington, *NIH Has Spent \$100.2 Million on Mindfulness Meditation*, Wash. Free Beacon (Dec. 16, 2014), <http://freebeacon.com/issues/nih-has-spent-92-9-million-on-mindfulness-meditation/>.
6. Kate Pickert, *The Mindful Revolution*, Time 42 (Jan. 23, 2014), <http://time.com/1556/the-mindful-revolution/>.
7. *60 Minutes: Mindfulness* (CBS television broadcast Dec. 14, 2014).
8. Pickert, *supra* note 6, at 42.
9. *Id.*
10. *Id.*; see also Frances Weaver, *The Mainstreaming of Mindfulness Meditation*, The Week (April 5, 2014), <http://theweek.com/articles/448250/mainstreaming-mindfulness-meditation>.
11. See Jon Kabat-Zinn, *Coming to Our Senses: Healing Ourselves and the World Through Mindfulness* 108 (2006).
12. Leonard L. Riskin, *Awareness and the Legal Profession: An Introduction to the Mindful Lawyer Symposium*, 61 J. Legal Educ. 634, 639 (2012).
13. *Id.* at 634.
14. See <http://www.law.berkeley.edu/mindfulness.htm>.
15. See <http://www.miamimindfulness.org/>.
16. See <http://www.law.ufl.edu/academics/institutes/imldr>.



KATERINA P. LEWINBUK

is a professor at South Texas College of Law in Houston. She previously taught at DePaul University College of Law in Chicago and practiced law in the Chicago office of Baker & McKenzie.

To contact TLAP, call (800) 343-8527.