

newnews

Lawyers Contemplate a New Practice: Meditation

[James H. Johnston, Legal Times]

June 2, 2006 – Before attending his first meditation session, employment lawyer Robert Waldeck told himself, “If these people are into crystals and new age, I’m out of here.” That was 11 years ago. Today, Waldeck, an associate at the Washington, D.C.-based law firm of John Berry, meditates twice a week.

How do lawyers, who measure time in billable hours, adjust to an activity like meditation, which demands that they sit still and turn inward for, oh, hundreds of dollars’ worth of time off the clock? Can something as intangible and elusive as meditation really work for those whose professional life centers on rules? Is the idea of a meditating lawyer a contradiction in terms?

Be still, skeptics. A fair number of lawyers and others connected to the legal world embrace meditation. They say it has several benefits: It relaxes them and reduces stress, induces a longer-term calming effect, gives them greater energy and improves their professional performance.

FOCUS, CLARITY

Meditation as a discipline for focusing the mind began in some of the rituals of the Eastern religions, but in the United States today its techniques are mainly taught for their own merit, divorced from religious overtones. Although there are many types, two forms of meditation commonly taught are Vipassana, or “insight” meditation, which concentrates on breathing, and transcendental meditation, or TM, which uses mantras -- the repetition of special words or sounds. Both forms aim to focus attention and clear the mind.

For the most part, meditation techniques are taught through group sessions. A typical session of insight meditation lasts 30 minutes. The leader directs participants to close their eyes and focus on their breathing. As the session progresses, the participants’ inward focus is shifted to other physical sensations, such as sounds, or to emotional experiences and feelings, such as gratitude, before they are slowly returned to the outside world.

Lawyers are often drawn into meditation to learn to relax, says Linda Lazarus, a lawyer specializing in mediation. Because meditation sessions begin with exercises that quiet your mind

and help you concentrate, you are bound to feel more relaxed after meditating, she says. Lazarus, who also teaches meditation, started the DC Area Contemplative Law Group, which consists of 40 or 50 lawyers who meet monthly, seeking “to balance the externally driven practice of law with contemplative practices.”

Rebecca Romig, a clerk for Judge Lynn K. Stewart of Maryland’s Circuit Court for Baltimore City, became interested in meditation as a route to relaxation. She began by listening to a CD, but eventually sought out personal instruction in Washington.

Lawyers and businesspeople complain of feeling stress and anxiety and want an alternative to medication, says Klia Bassing, Romig’s instructor. Bassing, who previously worked at the World Bank, says, “Type A’s often have the most dramatic results. I fall into that category. I could hardly sit still when I first tried meditation. It took as much energy for me to sit still as it did to sprint at top speed.”

Besides the immediate benefit of relaxation, fans of meditation talk about a longer-term effect of calm in their everyday lives, or “toning down my internal critic,” explains Waldeck, the employment lawyer.

“There is less distraction from anxiety, less chatter coming from yourself,” he says. He notes that in the treatment of anxiety in cognitive therapy, a patient is sometimes given a mechanical counter to click whenever he thinks an anxiety-producing thought. This helps the patient recognize and suppress thoughts that bother him. Vipassana meditation, Waldeck says, does much the same thing.

For Susan Green, a lawyer and mediator who took up meditation eight years ago after an ankle injury interfered with her yoga, meditation lets her move through life more calmly and “act more purposefully towards” her objectives.

William Lazarus, an appellate lawyer at the Department of Justice (and no relation to Linda Lazarus), has practiced transcendental meditation since being introduced to it on a visit to London in 1969. He says meditation changed his life, although he feels the changes happened incrementally: “When you are talking about your own personality, it’s hard to notice.”

Meditators say the relaxation techniques actually give them more energy and improve their professional performance. “Everyone comments on my energy level,” says Martha Zimmerman, a litigator with Chadwick, Washington, Moriarty, Elmore & Bunn in Falls Church, Va., who has practiced TM for more than 30 years. She says, “TM gives you more of an edge, making you more alert and more tuned in to what is going on.”

Linda Lazarus explains: “You meditate because it makes you better. You change habitually negative behaviors. You stop negative habits and develop positive ones.”

And Waldeck says meditation makes him more effective: “I am less likely to waste time with such things as surfing the Internet.”

Green believes that the calming effect of meditation has special rewards in her work. She says a recent study showed that a “peaceful presence” on the part of the mediator contributes to a successful outcome in mediation. She thinks her own calmness is infectious and sets a relaxing tone in mediations.

THE CONTEMPLATIVE LAWYER

Besides such individual endorsements, meditation as a tool for the legal profession is finally getting a little attention from the academic world. Leonard Riskin, a former Justice Department appellate lawyer and today a professor of law at the University of Missouri Law School, wrote an article titled “The Contemplative Lawyer” about the ways that “mindfulness meditation” can help students, lawyers and even clients. The article, published in the Harvard Negotiation Law Review in the spring of 2002, was one of the first on the subject in a major legal journal.

Even a few years ago, getting a law journal to accept an article on meditation wasn’t easy, Riskin admits. The idea that the subject deserved scholarly attention was met with skepticism. But once published, it garnered Riskin numerous speaking engagements and requests for follow-up articles. He is now working on a book on meditation and the law.

Riskin, who’s been meditating since 1974, tries to meditate twice a day and leads noontime sittings in the law school once a week for a small group. He also teaches a mindfulness-based stress-reduction class in the law school that meets two hours a week for six weeks.

Charles Halpern, scholar in residence at the Boalt Hall School of Law, University of California, Berkeley, recently introduced judges to the possibilities of meditation. Earlier this month he led a meditation workshop at the annual judicial conference of the D.C. Superior Court and the D.C. Court of Appeals. The two-hour workshop included both a meditation session and a discussion of the role of meditation in the exercise of judicial functions for about 50 judges and senior court administrators.

Meditation, says Halpern, can help judges achieve empathy and “hold difficult and painful material [that often comes out in court cases] without getting taken over by their own feelings.” He says the message for lawyers is that meditation is not just good for them but that it will “enrich and deepen the practice of law.”

Halpern, who gained fame as a public interest lawyer in Washington, D.C., today is chairman of the Center for Contemplative Mind in Society. The center’s law program has become an official sponsor of the Harvard Negotiation Insight Initiative, which is intended to “explore the interface

of contemporary negotiation theory and practice with alternative frameworks, including some drawn from perennial wisdom traditions.”

REIGN OF PILLAGE AND ABUSE

Of course, any contemplative discipline, especially one associated with the law, is going to have its naysayers. When the Association of American Law Schools sponsored a workshop, “Search for Balance in the Whirlwind of Law School,” at its annual conference in January, Riskin and Halpern touted meditation as a way of helping law students cope. But the AALS also brought in James White of the University of Michigan Law School, who cautioned that stress is *de rigueur* in the legal profession: “Until better data come forward, I will continue the traditional law teacher’s reign of pillage and abuse. I am happy in the belief that my hectoring will leave my students better, if momentarily sicker, lawyers.”

Be that as it may, besides the relaxation, the calm and the improvement in performance that some lawyers profess, meditation can also have some serendipitous results. Donna Newton, a law firm administrator monitoring client payments for her firm, practices transcendental meditation seriously enough to have recently attended a retreat at a monastery in India.

She recalls one lawyer in the firm telling her, “You’ve got to push” to collect the bills. Her response: “It’s bliss that attracts.” Indeed it may be. Newton once called a client to thank him for a payment but pointed out that he paid more than was due. “Yes, I know,” he told her. “It just seems to make you happy.” Even skeptics might meditate on that.

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