The Mindful Path to Success

Courtney Lee, McGeorge School of Law


Presidents’ Message

We are grateful for the opportunity to have served you as CLEA Co-Presidents for the past year as well as for the opportunity to learn firsthand about the 1,300 plus members whose dedication, vision, talents, and efforts contribute to CLEA’s success. It is both humbling and inspiring to work with CLEA Board members, committees and past presidents. As a new year dawns with new dreams and new hopes, the very capable incoming co-presidents Margaret Johnson and Maritza Karmely will lead CLEA in a strategic planning process ensuring CLEA’s continued growth and activism. CLEA will hold its Board and Membership meetings on January 6th at Fordham Law School in NYC (see details pp. 3, 27). The Board meeting will include a facilitated strategic planning process during which the Board of Directors will develop goals and measurable objectives that reflect CLEA’s existing and emerging priorities. Exciting! Hope to see you there.

A strong and committed Board is integral to CLEA’s future and our recently elected directors and officers are sure to provide the direction and oversight needed to fulfill CLEA’s mission. Under the leadership of the Elections Committee, D’lorah Hughes (Chair), Erma Bonadero, and Anju Gupta, the 2015 elections produced a stellar crop of new leaders. Many thanks to D’lorah and her committee for their hard work in facilitating an efficient and transparent elections process. Please join us in congratulating the following Board members for their anticipated service:

- Laila Hlass (Boston University)
- Lisa Martin (Catholic)
- Tiffany Murphy (University of Arkansas - Fayetteville)
- Joanna Woolman (Mitchell Hamline)
- Steven Wright (Wisconsin)

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By Courtney Lee

I never used to be one for mindfulness practices. I loved yoga, but for the physical workout; I tolerated the five minutes of silence or guided breathing at the end because I was exhausted from the exertion that came before and grateful just to lie down for a moment. Growing up in a no-nonsense community in the Midwest, we just didn’t have time for what some termed “that touchy-feely hippie stuff.”

Eventually I moved to Northern California, ground zero for touchy-feely hippie stuff. I kept up and even increased my yoga practice, but still never fully bought into mindfulness and meditation, although the idea certainly was more socially acceptable out here. It just seemed like sitting still for the sake of sitting still, when there was so much to do! Then one warm spring morning, I decided to take a break from grading exams and go for a bike ride.

All I remember is how beautiful it was that day out on the bike path, and then I was in bed at home and my husband was telling me that I couldn’t go to work. I have no recollection at all – thankfully – of the fall that nearly took my life, of the resultant skull fractures (even though I wore a helmet any time I even touched a bike), of the ambulance ride and days in the hospital, of the needles and tests, or of the visitors I’ve known for years but didn’t recognize. I have fuzzy, intermittent memories of the following weeks – of falling almost any time I tried to stand up, of sleeping more than I thought humanly possible, of forgetting words and not being able to communicate, of drinking a ridiculous amount of juice (I couldn’t chew for several months), and of my neurologist and speech therapist strongly recommending that I look into Mindfulness-Based Stress Reduction (MBSR) to help improve my traumatically injured brain.

MBSR is an eight-week program available entirely online, and after moving at what felt like a constant 100-miles-per-hour pace for decades, and then being forced down to zero in a matter of seconds, I threw myself into it. I engaged in the practices – many of which involved traditional meditation – to help my brain heal and increase neuroplasticity, or the brain’s ability to adjust and strengthen. To provide a layperson’s summary, our brains have billions of neurons that constantly send signals to each other across “neural pathways” in order to achieve certain outcomes, from the complex (speaking in a non-native tongue) to the simple (taking a step). Neuroplasticity allows us to reinforce commonly used pathways, and, importantly, to construct new ones. We can continue to build neuroplasticity.

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throughout adulthood, and these new neural pathways are what allow us to achieve things like playing a new instrument, arguing a new legal theory, or even just relearning how to communicate after an accident. Studies show that mindfulness and meditation tie closely to physical benefits like improved neuroplasticity, increased brain matter density, and reduced cognitive declines, like those associated with advancing age.

After completing the MBSR training, I continued researching these fascinating links between mindfulness and brain health. It did not take long to realize that mindfulness is connected to just about everything that we wish for our law students: the better memory and capacity for learning new skills described above, and also reduced anxiety, higher-quality sleep, improved decision-making skills, the ability to cope with stress in healthy ways, stronger empathy and communication proficiency, and improved overall wellbeing, among others.

Organized mindfulness programs already are popular in fields like business, professional sports, the military, and even in prisons, and they are gaining traction in the legal community. That is unsurprising, considering that common problems experienced by lawyers include obsessive perfectionism and self-doubt, pessimism, anxiety, a lack of kindness toward others, and the inability to deal effectively with stress, instead resorting to unhealthy choices like substance abuse. These issues lead not only to a general absence of wellbeing, but often depression and even suicide.

In light of this — not to mention the ABA’s increased interest in how law schools train “practice-ready” attorneys — it only makes sense to incorporate mindfulness into legal education curricula. Further, while the troubles noted above may await our students once they reach practice, more students than we might realize battle similar problems before they even graduate. To illustrate, a recent study at Yale Law School asked 296 students if they experienced mental health issues, and seventy percent (206) responded affirmatively. Mindfulness alone may not be a cure in and of itself, but it certainly can play a part in the process.

There are a multitude of ways one can practice mindfulness. It does not necessarily have to be through traditional meditation — eyes closed, seated cross-legged or lying down — and it can take as much or as little time as desired, whether hours or one minute. For instance, one can be mindful of a particular item, such as a pen, focusing on each of its characteristics (color, shape, weight, texture, etc.). A similar mindful eating exercise uses a raisin, encouraging consideration of its size, shape, how it feels, its wrinkles, its smell, and even its sound, all before even thinking about its taste. Movement also can be mindful; yoga is one example, but even something as simple as walking can work, bringing attention to each stride, the muscles that engage with every step, and the surroundings (light, sounds, smells, etc.). A mindfulness application that can be especially helpful to lawyers and law students who encounter unexpected stressful situations is “STOP.” These letters stand for “Stop” for a moment; “Take a breath,” or as many breaths as necessary to begin to calm down; “Observe” whatever feelings — emotional and physical — are occurring; and “Proceed” with awareness. I cannot count how often the STOP practice prevented me from replying to a harsh email message in a manner I would have regretted.

Recognizing this variation in mindfulness practices, there are just as many ways we can use mindfulness in our programs. For a few of many examples: We can hold guided mindfulness meditation sessions during orientation, either as an optional drop-in period or as part of the formal schedule. We can host guided drop-in sessions each week during the school year (some schools call these “Mindfulness Mondays”). We can establish a campus contemplative space, or an area removed from the general hustle and bustle that is open for individual practice or quiet reflection. We can incorporate mindfulness exercises into our classes, whether for a “mindfulness minute” or two just after class begins, or for ten optional minutes beforehand. When students rush from place to place all day, this allows them to settle and prepare to focus on the subject at hand, especially if it concerns a particularly sensitive topic. We also can integrate mindfulness more fully into the substance...
such as professional responsibility or professional identity. We can hold workshops for anywhere from an hour to an entire weekend, for students, faculty, the community, or all of the above. We can encourage the formation of and advise student organizations that focus on mindfulness itself, or yoga, or general stress reduction. We can create online groups to discuss these issues using social media platforms like Facebook.

Personally, I oversee bar exam support programs at my school, and I spend one to two minutes at the beginning of my bar skills classes to guide students in some mindful breathing. Before doing so, I share the information outlined above about the scientifically-proven links between mindfulness and better memory, less anxiety, and other benefits that are directly applicable to success on the bar exam. Last summer, I also held regular guided meditation sessions for graduates preparing for the exam, and at their request I used SoundCloud to record some sessions for free use at their convenience.

One caveat it is important to share with our students is that mindfulness rarely, if ever, leaves one feeling perfectly peaceful. In fact, most people practicing mindfulness meditation, especially at first, do not feel peaceful at all; rather, their minds wander in a thousand different directions, even in a simple two-minute session. Perhaps due in part to the media’s increasing attention to the value of mindfulness, it is easy for them to get frustrated, assume they are “just not good at it,” and give up. They do not realize that this is completely normal, and that recognizing when their minds have wandered and bringing attention back to whatever focus points they were using – breath, an object, a repetitive movement, etc. – is itself an act of mindfulness.

These are ideas for how we might use mindfulness practices to help our students succeed, but let us not forget that one of the best ways to help our students is first to help ourselves. A personal practice not only enhances our own mental and physical health, but it allows us more opportunity to give our best to our students. How many of us could benefit from more empathy (for both students and colleagues), improved stress management, fewer impulsive reactions, more self-acceptance, and more presence, so that we can lessen the tendency to think about home while at work, and work while at home? The resources noted here all are suitable for our own individual use, plus there are hundreds of others available, including numerous smartphone apps, many of which are free, and even an AALS group devoted to mindfulness. This brief article only begins to scratch the surface.

Neuroscience has elevated the credibility of mindfulness practices far beyond the realm of touchy-feely hippie stuff. I might have been correct to some degree when I assumed initially that mindfulness meditation was just sitting still for the sake of sitting still, but now I understand why that is important, and how it can help us and our students. If we incorporate mindfulness into our personal lives and academic programs, we will be that much closer to seeing our students succeed – in law school, on the bar exam, and in their legal careers.

Notes
1 See http://palousemindfulness.com/selfguidedMBSR.html [hereinafter “MBSR”].
5 Jacob Gershman, Lawyers Go Zen, With Few Objections, THE WALL ST. J.


11 See The Free Mindfulness Project, http://www.freemindfulness.org/apps, Stop, Breathe, & Think, http://stopbreathethink.org, Headspace, https://www.headspace.com/headspace-meditation-app. The AALS Section on Balance in Legal Education houses the Mindfulness Affinity Group; to join, first email support@aals.org and join the Section, then email MindfulnessAffinity-Group@gmail.com and request to join the group.

The Hope and Promise of California’s TFARR Reforms

By Jeffrey R. Baker

In November 2014, the State Bar of California’s Task Force on Admissions Regulatory Reform (“TFARR”) completed twenty-eight months of work considering new standards for admission to the bar. TFARR followed dramatic new standards for admission to the New York bar that require pro bono and increased experiential learning requirements in law school. (New York announced its final, amended rules in December 2015, available through links here.)

TFARR’s policy is to protect the public and to promote the profession by ensuring law students are better prepared to be ethical professionals when they enter practice. TFARR’s proposals do not bind law schools directly. Rather, they would impose requirements for admission to the California bar that would implicate every law student’s experiences and curricular choices in law school. In early 2015, the Bar’s Board of Trustees adopted the report and proposed new rules. They are not effective yet but await approval and enactment from the California Supreme Court.

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