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Mindfulness for Legal Professionals: An Appeal for Positive Change

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GMIND 7500: Thesis

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Abstract

Recent studies and reports address growing concerns about high rates of chronic stress, depression, and substance use by lawyers and law students. The National Task Force on Lawyer Well-Being identified the practice of law as a profession that is struggling and urged leaders to act now to improve the state of mental health and well-being of legal professionals. Among the recommendations in the 2017 report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, the National Task Force included mindfulness as a practice to address the psychological and psychosomatic disorders permeating the legal profession. The National Task Force urged the leaders in the legal profession to take steps to change how law is practiced and instill greater well-being in the profession. This paper provides an overview of the research studies related to the well-being of legal professionals and concludes with a proposal for a collaborative workshop to engage legal professionals in the practice of introducing mindfulness in their personal and professional lives. The format of the workshop is suitable for professional conferences, bar association seminars, continuing legal education trainings, and judges and lawyer's assistance programs.

Keywords: legal, well-being, mindfulness, lawyers, law students, chronic stress, depression, substance use, The National Task Force on Lawyer Well-Being

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Mindfulness for Legal Professionals: An Appeal for Positive Change

“Real change, enduring change, happens one step at a time.”

- The Honorable Ruth Bader Ginsburg

What is Mindfulness? Mindfulness has a variety of definitions, most very similar and each with a focus on present moment awareness. Rhonda V. Magee, M.A., J.D., a Professor of Law at the University of San Francisco, provided a notable explanation of mindfulness as “paying attention in a particular way with an attitude of compassionate or friendly nonjudgment with the intention of increasing one’s capacity for awareness in the present moment” (Magee, 2016, p. 1). Another definition for mindfulness is “a state of nonjudgmental attentiveness to and awareness of moment to moment experiences” (Bishop et al, 2006). Lastly, mindfulness is “an open and receptive awareness and attention, or quality of consciousness characterized by a clear awareness in the present (Brown & Ryan, 2003). Attentiveness, heightened awareness, nonjudgment, and the present moment experience are essential characteristics for legal practitioners.

As stated by The Honorable Alan S. Gold, Senior United States District Court Judge, United States District Court for the Southern District of Florida, mindfulness in law is a “vehicle for restoring civility, decreasing stress, and enhancing the fundamental fabric of the legal community” (Jacobowitz, 2013, p. 27). A significant percentage of legal professionals in the United States suffer with problematic substance use, depression, anxiety, and stress (Krill et al., 2016). Clearly, there is a well-being crisis in the legal profession. Beginning in law school, students encounter heavy workloads, stress, intense competition with peers, and a distinct method of learning often not comparable with prior educational experiences (Magee, 2016). In addition, the emphasis on linear thinking causes “loss of connection with feelings, personal

morals, values, and a sense of self' for many law students (Magee, 2016). The practice of law perpetuates this disconnection and the accompanying stress and other related physical and mental health issues. Mindfulness plays a critical role in the legal profession and a better understanding of the practice is a step toward positive and enduring change.

A review of the research related to the current status of mental health and well-being of members of the legal profession is included in this paper. The research results emphasize the need for educating legal professionals about the personal and professional benefits of mindfulness. Legal professionals and leaders must respond to the call to action of the National Task Force on Lawyer Well-Being in order to preserve the mental health, integrity, and competency of judges, lawyers, mediators, and law students.

Literature Review

Concerns regarding substance use disorders and mental health problems have long been associated with the legal profession. Meanwhile, law students, lawyers, judges and mediators have had access to mindfulness training through law school courses, legal professional organizations, workshops, and conference programs for more than twenty-years (Riskin, 2012, p. 634). Unfortunately, while thousands of legal professionals have taken advantage of mindfulness training and practices, the profession has not yet embraced the benefits of living mindfully. The opportunity exists to invite members of the legal profession to explore the benefits of mindfulness in daily life and in the practice of law.

While researchers have begun to study the benefits of mindfulness specific to legal professionals, the current research is limited. The substantial limitations to the most recent studies present exciting opportunities for future research related to mindfulness and the law. Following is a brief review of relevant literature focused on mindfulness and the legal

profession. The goal of the review is to survey the current state of the research, to evaluate the needs for future research, and ultimately create a more positive future for individuals that choose law as their life's work.

The Krill Report

To investigate the severity of the substance use and mental health disorders in the legal profession, Krill, Johnson, and Albert conducted a study to measure the prevalence of substance abuse and mental health disorders among attorneys, researched the awareness and utilization of treatment services, and sought to identify the barriers to participation in services offered to attorneys (Krill, Johnson, & Albert, 2016). Participants in the study were attorneys recruited from state bar association memberships in 19 states (Krill et al., 2016). A total of 14,895 interested attorneys completed an anonymous electronic survey of which data from 12,825 individuals that were currently employed in the legal profession was analyzed (Krill et al., 2016). Demographics of the participants described the participants as 53.4% male and 46.5% female; age groups of 30 years and younger, increasing in ten year increments to 71 years or older, with the most common age group of 31-40 years old; 91.3% of participants were Caucasian/white (Krill et al., 2016).

Attorney participants completed three self-report instruments, the Alcohol Use Disorder Identification Test (AUDIT), the Depression Anxiety Stress Scales-21 (DASS-21), and the Drug Abuse Screening-10 (DAST) (Krill et al., 2016). Among the participants, 11,278 completed all ten questions of the AUDIT (Krill et al., 2016). A total of 20.6% of participants scored at a level consistent with problematic drinking with men showing a significantly higher risk than women; younger participants showing a significantly higher level of problematic drinking than older age groups; and attorneys practicing for a shorter duration showed a higher proportion of problematic

drinking than those practicing longer in the legal field (Krill et al., 2016). For the DASS-21, 11,516 attorneys completed all questions (Krill et al., 2016). White men showed higher levels of depression; women had higher levels of anxiety and stress with all levels of anxiety, depression (Krill et al., 2016). Based on self-reports, the most common mental health concerns reported were anxiety, depression, social anxiety, attention deficit hyperactivity disorder, panic disorder, and bipolar disorder (Krill et al., 2016). Participants that indicated use of substances on the DAST over the past 12 months include use of stimulants (74.1%), sedatives (51.3%), tobacco (46.8%), marijuana (31%), and opioids (21.6%) (Krill et al., 2016). Researchers did not make any inferences regarding the data from the DAST as it was determined that “the data did not meet the assumptions for more advanced statistical procedures” (Krill et al., 2016, p. 49).

In reference to treatment utilization and barriers to treatment, of the 807 participants who reported past treatment for alcohol or drug use, 174 reported utilizing treatment programs specifically tailored to legal professionals (Krill et al., 2016). Barriers to obtaining treatment services included “not wanting others to find out they needed help” and “concerns regarding privacy or confidentiality” (Krill et al., 2016, p. 50).

Limitations of the study noted by the researchers included the potential for voluntary response bias as the participants were not randomly selected (Krill et al., 2016). In addition, the researchers concluded that many legal professionals struggling with mental health or substance abuse may have declined to participate for one reason or another due to the nature of the issues and the concerns with privacy and confidentiality (Krill et al., 2016). Even those who chose to participate may have withheld or responded more favorably for fear of discovery (Krill et al., 2016).

Like other research, the Krill et al. study indicates a concerning amount of behavioral health problems among attorneys in the United States (Krill et al., 2016). Most notably, many attorneys struggle with alcohol dependent drinking, depression, and anxiety (Krill et al., 2016). Among the participants of the Krill et al. study, 28% of the attorneys reported mild or higher levels of depression; 19% reported mild or higher levels of anxiety; and 23% reported mild or higher levels of stress. Add to these concerns the fact that legal professionals experience many of these behavioral health issues in the first ten years of practicing law illustrates the need for alternative ways to address work related stress, anxiety, and depression for legal professionals (Krill et al., 2016).

The SLSWB Report

Analogous to the legal profession, the law school experience can be fraught with experiences of anxiety and stress (Organ, Jaffe, & Bender, 2016). Despite the prevalence of these experiences, insufficient empirical research has been conducted to examine the impact of anxiety and stress on law students and how the students respond in terms of substance use or mental health problems (Organ et al., 2016). In response to the lack of research, Organ, Jaffe, and Bender undertook the Survey of Law Student Well-Being (SLSWB), one of the first multi-school studies in over twenty years that focused on drug use, mental health, and help-seeking attitudes of law students (Organ et al., 2016). As an exploratory research study, Organ et al. surveyed law students regarding the use of alcohol, prescription and non-prescription drugs, the propensity not to seek assistance or treatment for drug, alcohol, or mental health issues, and the barriers to seeking help for these conditions (Organ et al., 2016).

After conducting a pilot study to determine the willingness of law students to answer intrusive questions with a reasonable response rate sensitive to the time constraints of the

students, the researchers recruited law students to participate in the SLSWB (Organ et al., 2016). Seventeen law schools expressed an interest in participating with fifteen schools and 11,000 law students ultimately responding to the survey (Organ et al., 2016). The study sample included 56% women and 44% men (Organ et al., 2016). All participating students completed an on-line, cross-sectional survey (Organ et al., 2016).

The researchers' analysis of the survey responses showed an increase in law students drinking alcohol since the prior survey; increased prevalence of drinking among law students than other graduate students; more than half of the respondents drank enough to get drunk in the prior 30 days; and male respondents were one and a half times more likely than female respondents to engage in binge drinking (Organ et al., 2016). Participating law students reported use of marijuana and cocaine at higher rates than revealed in prior surveys, with male students more likely than female students to use marijuana and cocaine (Organ et al., 2016). Between 9% and 15% of participants reported use of prescription drugs (sedatives/anxiety medication, pain medication, and antidepressants) with a prescription (Organ et al., 2016). More concerning was that 14% of participating law students reported the use of prescription drugs without a prescription including stimulants, pain medication, and sedatives/anxiety medications (Organ et al., 2016).

The Organ et al. research also revealed that 18% of the law student respondents indicated a diagnosis of depression with one-sixth indicating the diagnosis was made since they started law school (Organ et al., 2016). Questions regarding other mental health issues revealed that 37% of the respondents screened positive for anxiety on the Kessler 6 screening tool and 21% of the respondents reported a diagnosis of anxiety with roughly 30% having been diagnosed with anxiety since starting law school (Organ et al., 2016). Other behavioral health related issues

included 27% of respondents screening positive for eating disorders; 9% of students indicating in self-harm; and 21% revealed they had thought about suicide in their lifetime with 6% indicating they had seriously thought about suicide in the prior 12 months (Organ et al., 2016).

Regarding seeking assistance with alcohol, drug, or mental health issues, respondents indicated that if help was sought it would be through a health professional (79%) as opposed to a dean of students or a lawyers' assistance program (Organ et al., 2016). The respondents also indicated significant barriers to seeking assistance including the potential threat to bar admission; the potential threat to career or academic success; social stigma; privacy and confidentiality concerns; financial reasons; not having time; and the ability to handle the issues without assistance (Organ et al., 2016).

Limitations to the results of the Organ et al. study include the risk of respondents not being forthcoming in self-reporting alcohol, drug, and mental health issues (Organ et al., 2016). The sensitive nature of the subject of the survey presents the potential for response bias (Organ et al., 2016). Alternatively, the risk of non-response bias exists as students with alcohol or drug issues may have chosen not to respond to intrusive questions involving potentially illegal conduct (Organ et al., 2016). Despite these limitations, opportunities for future research exists to study alternative, more favorable, efforts to encourage law students to seek help with facing issues with alcohol or drug issues and mental health conditions (Organ et al., 2016). A longitudinal study versus a snapshot study of one point in time is recommended to analyze changes in alcohol and drug use as well as mental health conditions experienced by law students as a result of intervention and alternative treatment options (Organ et al., 2016).

The impact on the legal profession suggested by the researchers include increased alcohol use by legal professionals; illegal use of drugs, both prescription and non-prescription; attorneys

experiencing severe anxiety and depression; and the unlikelihood that legal professionals will seek assistance for these issues (Organ et al., 2016). Offering options and resources to combat the mental and emotional challenges of law school should be offered to law students. Law schools need to address wellness issues in orientation specifically coping with stress and anxiety; the incidence and prevalence of substance use and depression/anxiety in the legal profession; and the law schools should provide an overview of the services available to students (Organ et al., 2016). Other suggestions are for faculty and administrators to develop a wellness statement or policy that includes mindfulness training and practices (Organ et al., 2016). It is imperative that there be a change in culture and philosophy regarding seeking assistance to address these problems without the fear of negative consequences.

In a 2017 Houston Law Review article, *Can Practicing Mindfulness Improve Lawyer Decision-Making, Ethics, and Leadership?*, Peter H. Huang acknowledged the dearth of empirical or experimental research about how mindful awareness and mindfulness practices affect law students, lawyers, or other legal professionals (Huang, 2017). Huang recommended three areas of need to consider for developing research of the effects of mindfulness in the legal profession (Huang, 2017). First, Huang encouraged researchers to conduct “multimethod, waitlist controlled” research studies to determine if practicing mindfulness improves “legal decision-making, ethics and leadership” (Huang, 2017, p. 64). Next, Huang recommended that legal professionals begin to practice mindfulness to see if it improves the legal practice. Finally, Huang suggested that law schools and legal professional associations offer mindfulness training and opportunities to practice mindfulness to determine if such improves the legal profession (Huang, 2017, p. 64).

Mindfulness and Well-Being: Lawyers and Law Students

In response to studies revealing the high incidence of chronic stress, high rates of depression, and misuse of alcohol and drugs, the National Task Force on Lawyer Well-Being prepared a comprehensive report with recommendations for building a more positive future for the legal profession – a future built on “greater well-being, increased competency, and greater public trust” (National Task Force on Lawyer Well-Being, 2017, Introduction Letter). Among the recommendations, the Task Force recommended that law schools develop a well-being curriculum to include well-being workshops, mindfulness and resilience courses, and meditation sessions (National Task Force on Lawyer Well-Being, 2017). In the report, the Task Force endorsed mindfulness meditation as a practice to “enhance cognitive reframing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed” (National Task Force on Lawyer Well-Being, 2017, p. 52).

After the National Task Force’s call for action to improve the health and well-being of legal professionals, Charity Scott wrote an in-depth article on the relevance of mindfulness in the practice of law (Scott, 2018). Scott reviewed both the Krill Study and the SLSWB study in the article. The article presented an overview of lawyer assistance programs that have been available for some time to legal professions (Scott, 2018). Unfortunately, these programs have long been underutilized based on the stigma associated with drug abuse and mental health issues; concerns regarding privacy and confidentiality; and potential consequences of disclosure and its impact on academic and legal careers (Scott, 2018). In the article, Scott presented an overview of the benefits of mindfulness as an alternative option to enhance the health and well-being of legal professionals (Scott, 2018).

Scott's Mindfulness in Law article was timely and relevant. The basic tenets of mindfulness – awareness, paying attention in the present moment, nonjudgmentally and on purpose – are qualities essential to the competent practice of law (Scott, 2018).

Recommendations for a mindfulness practice or program geared specifically to legal professionals include attentiveness to time constraints of the profession; resistance to spending time doing “nothing”; the need for qualified mindfulness practice trainers; and the need to ensure that leaders and managers in the profession support mindfulness in law (Scott, 2018).

Mindfulness meditation was recommended as a practice easily compatible with the personal and professional life of lawyers, judges, law professors, law students, and other legal roles (Scott, 2018).

Mindfulness Meditation

A first of its kind preliminary study looking at the benefit of mindfulness meditation to address stress, anxiety, and depression experienced by legal professionals was conducted by Minda, Cho, Nielsen and Zhang with a group of available and willing lawyer members of the National Association of Women Lawyers (NAWL) (Minda et al., 2018). Specifically, forty-six lawyers enrolled to participate in an 8-week online mindfulness meditation program (Minda et al., 2018). After attending a mindfulness seminar in Fall 2016, the participants completed a pre-assessment as well as each of the following clinical assessment tools, the Perceived Stress Scale questionnaire (PSS); Positive and Negative Affect Schedule; Brief Resilience Scale; Five Facet Mindfulness questionnaire; Depression, Anxiety and Stress Scale (DASS-21); and a job effectiveness questionnaire (Minda et al., 2018). The pretest and assessment phase were followed by a mindfulness practice phase in which participants were encouraged to read sections of the book *The Anxious Lawyer* and practice with guided meditation audio, logging when and how

long they practiced (Minda et al., 2018). After four weeks, the participants attended a second webinar and at the end of the eight weeks the participants attended a final seminar and completed a post assessment questionnaire (Minda et al., 2018).

The researchers hypothesized that participants would show “an increase in positive affect, resilience, and mindful cognition as well as decreases in negative affect, depression, anxiety, and stress” (Minda et al., 2018, p. 5). The researchers also predicted improvements in self-reported indices of job competency (Minda et al., 2018, p. 5). After scoring the pre- and post-assessment tests and clinical assessment tools, the researchers found as follows:

- Consistent with prior studies, the pre-test results revealed high levels of depression, anxiety, and stress experienced by the lawyer participants
- The results of the study support the idea that mindfulness meditation programs can be effectively delivered online via web-based delivery
- Time spent on meditation is not a factor in outcome measures, it matters just that the participants meditated

This preliminary study supports the potential benefits of mindfulness meditation for lawyers as an option to reduce the high levels of stress, anxiety, and depression occurring among legal professionals. However, the limitations of the study, including no randomized control group and the risk of response bias of self-reporting and the participants expressed desire to learn about mindfulness meditation, should be addressed in future research by using randomly selected test and control group participants and a large sample size (Minda et al., 2018).

Addressing the limitations of the Minda et al. study, law professor, Richard C. Reuben and psychology professor, Kennon M. Sheldon collaborated on an empirical study of first year law students to research how mindfulness might help law students with stress, focus, well-being,

and academic performance. In the 2013 and 2014 academic years at the University of Missouri School of Law, Reuben and Sheldon conducted the first study on the effects of mindfulness training for law students (Reuben & Sheldon, 2019). The study participants were 47 first year, first semester law students including a test group of first year law students that took an 8 week training leading up to final examinations and a control group of students that participating in pre- and post-assessments but did not take the training (Reuben & Sheldon, 2019). Participation was voluntary and the students were incentivized to participate with course credit and a \$500 discount on a bar preparation course (Reuben & Sheldon, 2019).

The study conducted at the University of Missouri School of Law was developed in two stages. The first stage was the design of the mindfulness training by a team of MBSR researchers, psychologists, anthropologists, law deans, law professors, and law students (Reuben & Sheldon, 2019). The experts participated in a day long retreat and created a mindfulness training program that included basic mindfulness meditation, an 8-week training period, weekly one-hour class participation and a daily mindfulness practice requirement of fifteen minutes, seven days a week (Reuben & Sheldon, 2019). The second stage was the actual implementation of the mindfulness training over a two-year period (Reuben & Sheldon, 2019).

Reuben and Sheldon hypothesized that the participating law students would see reductions in stress; improved well-being; and enhanced awareness (Reuben & Sheldon, 2019, p. 250). Self-administered pre- and post-assessments were completed by the students at the beginning and the end of the mindfulness training (Reuben & Sheldon, 2019). In addition, the participants were asked to complete a follow-up survey shortly after graduation from law school to assess students' opinions regarding any long-term effects during law school (Reuben &

Sheldon, 2019). Participants substantially complied with the mindfulness training and practice, but were less compliant with completing the post-study surveys (Reuben & Sheldon, 2019).

The researchers concluded that the study resulted in statistically significant results in terms of stress, well-being, and mindful awareness (Reuben & Sheldon, 2019). In contrast, no statistically significant results were achieved regarding academic performance (Reuben & Sheldon, 2019). Positive changes were seen in well-being, stress, and mindfulness for the test group participants, however, there were no differences in the fall grade point average for the test group and control group participants (Reuben & Sheldon, 2019). Only 25 responses to the post law school graduation follow-up survey were received from the 47 participants (Reuben & Sheldon, 2019). An overwhelming majority of the 25 respondents indicating that the mindfulness training was either very helpful or somewhat helpful (Reuben & Sheldon, 2019). Most respondents indicated that they did not continue with the mindfulness meditation practice after the study with reasons for stopping of “no structure, no time, no value or too hard, too boring, and never liked it” (Reuben & Sheldon, 2019). Respondents agreed that it was a worthwhile service for law schools to offer voluntary mindfulness studies to interested students (Reuben & Sheldon, 2019).

Reuben and Sheldon’s research study demonstrates the potential that law students who need help with stress would participate in mindfulness training and experience a positive trajectory regarding the negative effects of stress on focus and well-being (Reuben & Sheldon, 2019). Opportunities to improve future research studies regarding the benefits regarding mindfulness training and practice for legal professionals include larger participant samples; random selection of control and test group participants to avoid self-selection bias; the inclusion of scientific measures, more data points, and increased compliance with survey response; and

broadening the study to include different populations in the legal profession, lawyers, judges, law school professors, mediators, and paraprofessionals (Reuben & Sheldon, 2019). Also, leadership and executive support is essential in order to overcome any cultural resistance to mindfulness research and practices. Organizational commitment is necessary to encourage voluntary compliance with any future research studies to fully engage participants in the training and support the integrity and validity of the results.

Conclusions and Future Studies

Legal professionals are fact-driven, results-oriented individuals who tend to thoroughly analyze information and cautiously approach data with persistent inquiry and skepticism. While the need to address the pervasive declining health and well-being of legal professionals is readily apparent, in order to garner the full attention of the profession, consideration needs to be given to the thoroughness and accuracy of mindfulness research studies. Reliable, longitudinal studies of large sample, randomly selected control and test group participants are necessary. In addition, incorporating quantitative and scientific methodology in the studies would help to overcome some of the resistance from the legal field. The leaders in the legal profession have recognized the urgency of the need for change to ensure the sustenance of the profession and improve the health and well-being of the individuals that serve through the practice of law. The time is right for further development of mindfulness programs and practices to support legal professionals.

Benefits of Mindfulness

Mindfulness plays a role in sustaining the integrity of the legal profession. According to Jon Kabat-Zinn (1990), the benefits of mindfulness, and in particular mindfulness meditation, include the ability “to cultivate emotional balance and weaken the hold of habitual patterns that obscure perception and impair judgement in thinking” (Kabat-Zinn, 1990, as cited in Singh et al.,

2019, p. 478). As it relates to legal professionals, mindfulness practice may enhance cognitive abilities, working memory, and executive functioning (Zeidan et al., 2010, as cited in Singh et al., 2019, p. 478). Other mental health benefits include increased attention, and the reduction in fatigue, depression and anxiety (Singh et al., 2019). Overall mindfulness practices offer viable options to respond to the call to action to foster the mental and well-being crisis in the legal profession.

Mindfulness creates an ability to effectively respond to present moment experiences rather than impulsively, or mindlessly, react to circumstances (Renjen & Chaudhari, 2017). The mental health disorders characteristic among legal professionals include depression, alcohol use, and drug abuse. Renjen and Chaudhari (2017) identified mindfulness meditation as promising for facilitating the cultivation of a healthy mind and increased well-being. The potential neurological benefits of mindfulness meditation should inspire increased efforts to promote mindfulness as a practice to improve the mental health of lawyers and other legal professionals.

Practicing mindfulness presents the potential for mitigating adverse consequences of a profession that is emotionally demanding. Results of the Hulsheger et al. (2013) study on the benefits of mindfulness suggest that mindfulness promotes job satisfaction and helps prevent burnout caused by emotional exhaustion (Hulsheger et al., 2013). In addition, mindfulness promotes self-regulation and helps to reduce anxiety related to excessive worrying and the related stress (Hulsheger et al., 2013).

Improving mental health and well-being of legal professionals is significant. Other studies suggest the potential for even deeper benefits. While an apparent need for additional longitudinal research exists, specifically as it relates to the legal profession, a growing body of research suggests mindfulness improves decision-making, ethics, and leadership (Huang, 2017).

In the area of conflict resolution, mindfulness improves the ability to pay attention to reality as it unfolds, moment by moment, instead of focus attention on individual desired outcomes (Huang, 2017). Another study suggests that mindful meditation may play a role in the reduction of implicit age and race bias (Luecke & Gibson, 2014). Practicing mindfulness also enhances communication, an essential skill for successful lawyering, negotiation, and advocacy. Judgment and decision-making are improved by mindfulness through the reduction of stress and anxiety, improved cognitive functioning, and improved information gathering and processing.

In *Mindful Engagement and Relational Lawyering* (2019), Susan L. Brooks discusses mindful engagement as applying mindfulness in our daily professional and personal lives in “the service of improving our relationships with others in our immediate circles, as well as larger communities and the world in which we live” (Brooks, 2019, p. 275). Brooks explains mindfulness as being fully present, slowing down, noticing while suspending judgment, and pausing particularly in situations of intense anxiety (Brooks, 2019, p. 291). Mindfulness has much to contribute to the field of law including improving the performance and well-being of legal professionals (Brooks, p. 294).

Heavy workloads, tight deadlines, and high stakes consequences contribute to the chronic stress, anxiety, depression, and often substance use disorders for legal professionals. Mindfulness in law represents an opportunity to improve the health and well-being of members of the legal profession. The 2017 report from the National Task Force on Lawyer Well-Being revealed the staggering statistics of the number of struggling professionals facing mental health and substance use disorders. Legal trainings that include mindfulness topics and instruction help to support improvement of the health and well-being of legal professionals. Mindfulness practice opportunities must include activities to facilitate a more mindful way of living – sleeping,

exercising, nutrition, supportive social engagement (Jha & Roger, 2019). Mindfulness education for legal professionals must address both the well-being of the body and the mind.

Effective mindfulness programs are more than self-help practices for an ailing legal profession (Harris et al., 2007, p. 2111). The offering of mindfulness programs is a much-needed response to the call to action for positive change in the profession. Mindfulness can “transform lawyers and communities alike as we work together toward a more just and equitable future” (Harris et al., 2007, p. 2111).

An Overview of Existing Mindfulness Programs for Legal Professionals

Law School Programs

Law schools have begun to address the mental health and well-being of law students and legal professionals by offering mindfulness programs. The teaching of mindfulness in law schools is on the rise “enriching both the law school curriculum and the law school experience for long-term positive impact on the legal profession” (Rogers, 2012, p.1190). One such program is the University of Miami School of Law’s Mindfulness in Law Program led by Professor Scott Rogers. Initially, the Miami Law School offered workshops and seminars series to interested law students (Rogers, 2012). In 2011, a Mindfulness in Law program was established and launched at Miami Law School (Rogers, 2012). Among the courses offered at the law school are “Mindfulness and Professional Responsibility: Ethics for Lawyers in the Digital Age”; “Mindfulness in Law: Cultivating Tools for Effective Practice”; and “Mindful Leadership” (Rogers, 2012, pp. 1199, 1200).

In addition to mindfulness courses offered to the law students, the University of Miami School of Law offers other programs such as “Arguing Without Angst: The Mindful Oral Advocate”; “Feedback Without Fear”; and “Mindfulness, Resilience, and the Unintentional

Infliction of Emotional Distress” (Rogers, 2012, p. 1201). Miami Law also offers a four-week “Mindful Eating” workshop and a six-week “Finding Real Happiness in Life and Law” workshop open to students, faculty, and staff (Rogers, 2012, p. 1202). Law students can also participate in individual and small group mindfulness practices (Rogers, 2012). Through the integration of mindfulness in the law school curriculum, Miami Law school hopes to enrich the learning process and make the law school experience more meaningful while inspiring development that “engages the intellect, eases suffering, and broadens the horizon of what is possible” (Rogers, 2012, p. 1205).

Berkeley Law at the University of California makes mindfulness meditation available to students. Mindfulness Monday meditation sessions are offered during academic semesters (UC Board of Regents, 2020). In addition, Berkeley Law offers both credit and non-credit courses in mindfulness studies (UC Board of Regents, 2020). In Fall, a non-credit “Seeking Balance: Mindfulness Practice Workshop” is offered (UC Board of Regents, 2020). In Spring, a two-credit “Mindfulness for Lawyers: Understanding the Legal Mind for Greater Effectiveness and Well-Being in the Study and Practice of Law” seminar is offered (UC Board of Regents, 2020).

Georgetown Law School offers students the opportunity to participate in an eight-week course that teaches mindfulness practices (Georgetown Law, 2020). “Lawyers in Balance” introduces mindfulness techniques to students including meditation, journaling, reflective discussion, and guided imagery (Georgetown Law, 2020). The course is free to students (Georgetown Law, 2020). Other law schools that offer courses related to mindfulness include City University of New York, University of Florida, University of Missouri, Northwestern, University of Buffalo, Yale, and Columbia (George, 2015).

Bar Associations

At the 2018 Annual Meeting of Bar Executives, Attorney Jeffrey H. Bunn encouraged bar associations to take the “lead in promoting mindfulness among attorneys by offering special programming, creating dedicated committees, facilitating dialogue with lawyers and law firms, and publicizing its benefits to the legal profession” (Brown, 2018). Bunn encouraged legal professionals to connect mindfulness to civility and professionalism, highly respected, and much needed, qualities of a legal professional (Brown, 2018). A quick online search of mindfulness and the law will reveal a wealth of wellness programs for legal professionals. National and local bar associations include mindfulness programs through lawyers’ assistance programs to support judges, lawyers, and law students.

Lawyers Helping Lawyers

Implicit and explicit in the American Bar Association Model Rules of Professional Conduct are rules requiring the cultivation of qualities inherent in the practice of mindfulness. Diligence, competency, the duty to improve the law and the legal profession, honesty and integrity toward the court, clients, and third parties all are well-served by lawyers living mindfully. Practicing mindfulness, personally and professionally, guides lawyers and other legal professionals to ensure the highest level of ethical conduct. Mindfulness programs specifically targeting legal professionals are on the rise.

Mindfulness guidance and support is available to legal professional organizations. The Mindfulness in Law Society (MILS) is a non-profit organization that brings together legal professionals interested in mindful lawyering, yoga, and other contemplative practices. MILS offers mindfulness programs to members including virtual sessions, continuing legal education programs, and national conference presentations and workshops.

Numerous fee-based training programs offered by both lawyers and non-lawyers can be found online. Lawyers that have embraced mindfulness share information online through webpages, blogs, and other in-person and virtual options. Many legal professionals, including judges, have added mindfulness training and education to their practices serving the legal community. The mindful legal community appears to have heeded the call of the National Task Force on Lawyer Well-Being to build a more positive future for the legal profession. Still, there remains much work to do.

Student Creative Project

In response to the need for mindfulness training for legal professionals, this paper includes a creative project to serve as a model for a workshop presentation. The intention of the workshop is to provide a broad overview of information in a relaxing, slow-paced format. The presentation provides the audience with simple ideas to incorporate mindfulness in their present busy lives and provides guidance for new perspectives to advance positive change in the legal profession. The workshop format is meant to be flexible with each subsequent presentation updated based on the needs and recommendations of the participants.

This creative project includes a power point presentation with presenter notes and an agenda for the workshop. The rationale paper will be a resource for promoting the workshop and for seeking approval for continuing legal education credits for workshop participants.

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