

ADMINISTRATIVE MATTERS

1. This class meets in the Blumberg Hall every morning from 8:00 to 9:00. Several times during the semester we may be required to meet in another location because of special events scheduled in Blumberg Hall. I will announce these changes in location by email and also in class.
2. Regular attendance is expected. Please come to class prepared to discuss the materials. I will solicit voluntary contributions and will also call on students randomly to participate. I take this approach to inspire you to be prepared and because I have learned that randomly calling on students encourages subsequent voluntary contributions to the class discussion.
3. This course is offered both graded and pass/fail. In order to pass this course or receive a minimum B grade, you will need to attend and participate in at least 4 out of 5 of the morning sessions week, including all Monday classes (unless you have a reasonable excuse) Please inform me in advance of any anticipated absence on Monday or any absences that exceed one each week). An additional requirement for passing or receiving a B grade is submission of all required journal exercises. Students who take the class pass/fail will not be required to take an examination. Students who take the course graded and wish to seek a grade higher than a B must take an exam at the end of the semester. The examination will test your understanding of the assigned readings and the materials presented in class.
4. The best time to talk with me about assignments and about questions and comments you have concerning the materials we are covering is immediately after class in the morning. If you wish to meet with me at a different time, you can speak with me after class to make an appointment or leave me a message in the communications center in Hosmer or on my office voice mail at 570-5228. I also can be reached by email at Deborah.Calloway@law.uconn.edu. I check my email messages much more frequently than my phone messages or the communication center.
5. The skills necessary for effective lawyering include reading and analyzing, interviewing, counseling, negotiating, litigating and mediating disputes. These skills in turn require the underlying skills of focusing without distraction, listening, explaining, facilitating communication between others, compassion or empathy for others, genuine respect for others, accurately defining the issues and needs of others, creative problem solving, self-critique, and dealing with conflict. The skill of dealing with conflict in turn requires understanding the roots of conflict as well as the roots of the emotions of conflict (especially anger) in order to be able to help others resolve conflict. This course will focus on improving these underlying skills through contemplative practice.
6. Please note that the reading assignments in this class vary in content and length. Each reading assignment is for the entire week. You will find the material most helpful if you read it in advance and then review it during the week. The reading assignments relating to meditation practice, especially the assignments in *Miracle of Mindfulness* are relatively short and are most helpful if you read them very slowly and repeatedly. The material we are learning in this course is not like the materials you have studied where the object is simply to read, memorize for an exam or work project and then forget. The materials in this course are designed to help you alter the way you view the world in ways that will enhance your ability to work effectively with others. This course is skills oriented rather than knowledge oriented – like a clinic. Therefore, it is helpful to read and contemplate the materials over and over. The assignments in *Interviewing, Counseling and Negotiating* and *The Promise of Mediation* help you apply what you are learning to legal practice. These readings are emphasized more at the end because by the last few weeks of the semester you will have some experience with the meditation techniques that you can then apply to the legal practice context.

SYLLABUS

The required texts for this course are Thich Nhat Hanh, *The Miracle of Mindfulness* (Beacon, 1975); Thich Nhat Hanh, *Anger* (Riverhead Books, 2002); and two Contemplative Lawyering Course Packs which you can purchase at the bookstore. An additional helpful source of information is Steven Keeva's *Transforming Practices* (ABA Journal 1999). This book is out of print, but can be ordered online from used book merchants. I have also placed several copies of this book on reserve for those of you who may be interested in reading it. For those who are interested in further pursuing the issues we cover in this class, I can provide a list of suggested additional sources of information.

Getting to Know Your Mind: Tranquility Practice & Mindfulness in Daily Life

FIRST CLASS WEEK (8/30/10 - 9/3/10) - Introduction and Overview (53)

Morning Practice: Focusing on the Breath

Practice Assignment: Set a reminder to watch your breath. For example, set your watch, phone or PDA to beep every one or two hours throughout the day. When it beeps, focus on your breath for 3 or 4 breaths. Alternatively, think of something that happens in your daily environment on a regular basis (e.g. stop signs and lights or a telephone ringing). Use that repetitive occurrence as a reminder to stop and watch your breath. Another approach is to carry a small rock or pebble in your pocket. Whenever you feel the rock, focus on your breath.

Journal Assignment: Describe your morning meditation experience. If you have any questions or comments about the morning practice, the practice assignment or the readings, feel free to include that in your journal.

Reading: Thich Nhat Hanh, *The Miracle of Mindfulness*, pp.1-8; 11-16 (Beacon, 1975)
Calloway, *The Skillful & Joyful Lawyer*, pp. 1-58

SECOND CLASS WEEK (9/7/10 – 9/10/10) - Resting in the Present (44)

Morning Practice: Counting the Breath

Practice Assignment: When your phone or watch or PDA beeps (or you encounter your environmental mindfulness reminder), look at your mind. Just before the alarm rang was your mind in the present, the past or the future?

Journal Assignment: Describe your morning meditation experience and raise questions if you have them. Describe your experience with this week's practice assignment. Feel free to raise questions or make comments about the readings or the practices.

Reading: Thich Nhat Hanh, *The Miracle of Mindfulness*, pp. 17-24; 33-42
The Skillful & Joyful Lawyer, pp. 59-74; 84-93

THIRD CLASS WEEK (9/13/10 – 9/17/10) - Noticing the Present Moment (28)

Morning Practice: Meditation on an Object

Practice Assignment: When you encounter your environmental mindfulness reminder focus your attention for a few moments on an object in your present space.
Alternative: Try one or more of the mindfulness practices on pages 85-86 of *Miracle of Mindfulness* (e.g. making tea, washing dishes, washing clothes, cleaning house)

Second Practice Assignment: Whenever you are reading legal materials during this week, try to be fully present. Notice when your mind becomes distracted by

thoughts of the past or future. When your mind becomes distracted simply return to reading.

Journal Assignment: Describe your meditation experience and raise questions if you have them. Describe your experience with this week's practice assignment. Feel free to raise any questions or make any comments you have about the readings and/or the practices.

Reading: *The Skillful & Joyful Lawyer*, pp. 75-83; 94-113; *Miracle of Mindfulness*, pp. 27-31.

FOURTH CLASS WEEK (9/20/10 – 9/24/10) - Applying Mindfulness to Listening (35)

Morning Practice: Following the Distance of the Breath

Practice Assignment: Pick two conversations that you know you will have during this week. If possible, the conversations should be in a legal work context (e.g. clinic, moot court, study group, or part time job). If this is not possible, any conversation can be used. Prior to the conversation, follow the centering meditation instructions on page 122 of *Transforming Practices*. During the conversation, try to remain present. Try to maintain eye contact with the other person. Notice when your mind becomes distracted with judgments or thoughts of the past or future. When you notice distractions, simply return to being present with the other person. When you speak, try to pause between your sentences.

Journal Assignment: Write about the listening exercise. Feel free to raise questions.

Reading: *The Skillful & Joyful Lawyer*, pp. 114-148.

FIFTH CLASS WEEK (9/27/10-10/1/10) - Using Mindfulness to Work with Inner Conflict (25)

Monday Morning in Class: We will watch a DVD of The Dzogchen Ponlop Rinpoche (Part 1 of Talk 2 of *Compassion Without Limit*). This talk provides instruction on using mindfulness practice to work with emotions.

Morning Practice: Shamatha (focus on the breath, counting the breath or meditation on an object)

Practice Assignment: Whenever strong emotions (especially anger) arise in the school or work context, try to engage in the Slow Reversal Practice as described in class.

Journal Assignment: Write about your experiences with the slow reversal practice.

Reading: Review your notes on DPR Talk 2
The Skillful & Joyful Lawyer, pp. 149-173.

Generating Genuine Empathy: Mind Training Practice

SIXTH CLASS WEEK (10/4/10 – 10/8/10) – Training in Impartiality (16)

Morning Practice: Impartiality

Practice Assignment: Throughout this week, when you encounter another person in your environment, watch your mind for judgments. Is your response positive, negative, or neutral? Do you see this person as inferior, superior, or equal?

Journal Assignment: Write about what you observed in the impartiality practice exercise.

Reading: Calloway, *The Skillful & Joyful Lawyer*, pp. 174-182.

Sogyal Rinpoche, *Tibetan Book of Living and Dying*, pp. 195-200 (Harper)

Sharon Begley, *Scans of Monks' Brains show Meditation Alters Structure, Functioning* (Wall Street Journal, 11/5/04)

Robert M. Bastress & Joseph D. Harbaugh, *Interviewing, Counseling & Negotiating: Skills for Effective Representation*, Nonverbal Communication and Facilitators of Communication, pp. 188-190 (Little, Brown)

SEVENTH CLASS WEEK (10/11/10 – 10/15/10) – Training in Impartiality (continued) (29)

Morning Practice: Impartiality

Practice Assignment: Throughout this week, when you encounter another person in your school or work environment, try to generate an aspiration for that person to be happy

Journal Assignment: Write about the results of your effort to generate a wish for others to be happy. What difficulties, if any, did you encounter with this exercise?

Reading: Sogyal Rinpoche, *Tibetan Book of Living and Dying*, pp. 200-204 (Harper)
Calloway, *The Skillful & Joyful Lawyer*, pp. 183-202

Robert M. Bastress & Joseph D. Harbaugh, *Counseling & Negotiating Skills for Effective Representation*, The Fundamentals of a Helping Relationship: Empathy, Genuineness, Concreteness and Respect, pp. 116-117; 126-130 (Little, Brown)

EIGHTH CLASS WEEK (10/18/10 – 10/22/10) – Recognizing, Appreciating and Repaying Kindness (29)

Morning Practice: Recognizing, Appreciating and Repaying Kindness

Practice Assignment: Throughout this week, when you encounter people in your school or work environment, try to notice the ways in which they are kind to you or to others.

Journal Assignment: Write about your observations concerning the kindness in others. What difficulties, if any, did you encounter with this exercise?

Reading: Sogyal Rinpoche, *Tibetan Book of Living and Dying*, pp. 204-208 (Harper)
Calloway, *The Skillful & Joyful Lawyer*, pp. 203-227.

NINTH CLASS WEEK (10/25/10–10/29/10) Generating Loving Kindness & Compassion (23)

Morning Practice: Loving Kindness and Compassion

Practice Assignment: Throughout this week as you encounter individuals who are difficult for you to deal with, try to generate an aspiration for them to be happy

Journal Exercise: Write about your experience with the practices of generating genuine empathy or compassion.

Reading: Calloway, *The Skillful & Joyful Lawyer*, pp. 228-249.

Working with Inner and Outer Conflict

TENTH CLASS WEEK (11/1/10–11/5/10) – Contemplating Negative Attributes of Anger (83)

Morning Practice: Contemplate the negative attributes of anger.

Practice Exercise: Patience with Small Matters. Engage in this practice as described in class.

Journal Assignment: Write about the patience practice. What did you observe?

Reading: Frenkel & Stark, *The Lawyer as Neutral*, Section 2.2: *Psychological Barriers to Settlement*, 14 pages (Draft, Winter, 2003)

Thich Nhat Han, *Anger*, pp. 17; 115-117; 23-65 (Riverhead Books, 2002)

Calloway, *The Skillful & Joyful Lawyer*, 251-274

ELEVENTH CLASS WEEK (11/8/10 – 11/12/10) – Sitting with Emotion (66)

Morning Practice: Sitting with Emotion

Practice Exercise: Throughout this week, when you encounter individuals (especially in school or at work) who are difficult to deal with, search for any positive aspect of their behavior to acknowledge and encourage.

Journal Assignment: Write about your experience with the Practice Exercise. Feel free to raise any questions or comments you may have about this practice or the morning practice.

Reading: Thich Nhat Hahn, *Anger*, pp. 67-107

Calloway, *The Skillful & Joyful Lawyer*, pp. 275-310

TWELFTH CLASS (11/15/10 – 11/19/10) – Contemplating the Insubstantial Nature of Emotions (42 + apology article)

Morning Practice: Contemplating the insubstantial nature of emotions

Practice Exercise: Heart Sutra. Write a letter as described in Chapter 6 of *Anger*, pp. 109-124 (Riverhead Books, 2002)

Journal Exercise: No Journal Exercise this week. This practice assignment will be most useful if you can use it to work with your own most difficult relationships. These are not my business.

Reading: Calloway, *The Skillful & Joyful Lawyer*, pp. 317-325.

Thich Nhat Hahn, *Anger*, pp. 109-143 (Riverhead Books, 2002)

Jonathan R. Cohen, *Apology and Organizations*, 27 *Fordham Urb. L.J.* (2000)

THIRTEENTH CLASS WEEK (11/22/10 – 11/23-10) – Contemplating the Insubstantial Nature of Perceptions (36)

Morning Practice: Contemplating the insubstantial nature of perceptions

Practice Exercise: Listening without judging. Earlier we engaged in a listening exercise in which we focused on simply being present while listening to someone. In this exercise, observe your tendency to judge what others are saying. Try listening without judgment (especially at work or at school). Simply be there.

Journal Exercise: Write about your experience with this practice. Feel free to raise any questions you may have about this practice exercise or the morning practice.

Reading: Calloway, *The Skillful & Joyful Lawyer*, pp. 311-316.

Robert A. Baruch Bush & Joseph P. Folger, *The Promise of Mediation*, pp. 81-112.

FOURTEENTH CLASS WEEK (11/29/10 – 12/3/10) – Mindfulness of Body (2)

Morning Practice: TBA

Practice Assignment: (1) Attend a yoga practice session. During the yoga practice, be aware of the movements and sensations in your body; Or (2) Do the walking meditation practice described in *Transforming Practices* at page 86; Or (3)

Several times during the week, do the mindfulness of body practice described on pages 84-85 of *The Miracle of Mindfulness*.

Journal Assignment: Write about the mindfulness of body exercises, including any comments and questions you may have about the exercises or the reading.

Reading: Thich Nhat Hanh, *The Miracle of Mindfulness*, pp. 11-12, 84-85

LAST WEEK (12/6/10 – 12/9/10) – Mindfulness of Body and Concluding Contemplations

Morning Practice: TBA

Journal Assignment: TBA