

MINDFULNESS SKILLS FOR LEGAL PRACTICE

William Mitchell College of Law

Fall 2010

(2 credits)

Prof. Robert Zeglovitch

SYLLABUS

- First assignment Read: Smalley and Winston, Fully Present, pages 1-18
- Shauna L. Shapiro, et al., *Effects of Mindfulness Based Stress Reduction on Medical and Premedical Students*, 1 J. Behav. Med. 93-98 (1998)
- Keeva, *A Mindful Law Practice*, ABA Journal, March 2004
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- Week One
(8/24) Introduction to Mindfulness; Scientific Foundation
- Reading for the upcoming week:
- Buddha's Brain, pages 5-19; 177-204
- Wherever You Go, pages pages 3-32; 75-80
- Assignment:
1. Journal entry
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- Week Two
(8/31) Mindfulness of the body (breath); developing concentration and stability
- Reading for week three:
- Buddha's Brain, pages 67-95
- Wherever You Go, pages 72-74; 35-67; 103-130
- Hallowell, *Overloaded Circuits: Why Smart People Underperform*
- Assignment:
1. Journal entry
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- Week Three
(9/7) Mindfulness of the body (breath and body); hindrances

Reading for week four:

Buddha's Brain, pages 23-63

Wherever You Go, pages 145-160

Assignment:

1. Journal entry

Week Four
(9/14)

Suffering, stress, and mindfulness of feelings

DUE BEFORE OR AT BEGINNING OF CLASS: Practice log

Reading for week five:

Smalley and Winston, Fully Present, pages 169-92

Assignment:

1. Journal entry

Week Five
(9/21)

Mindfulness of mind: thinking

Reading for week six:

Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers and Their Clients*, 7 Harvard Negotiation Law Review 1 (Spring 2002)

Keeva, *Practicing from the Inside Out*, 7 Harvard Negotiation Law Review 97 (Spring 2002)

Assignment:

1. Response paper on Riskin/Keeva
2. Journal entry

Week Six
(9/28)

Links to Legal Practice—Overview

DUE BEFORE OR AT BEGINNING OF CLASS: Response paper

Reading for week seven:

Ryan, *The Discourse Beneath: Emotional Epistemology in Legal Deliberation and Negotiation*, 10 Harvard Negotiation Law Review 231 (2005)

Buddha's Brain, pages 205-225

Assignment:

1. Journal entry

Week Seven
(10/5)

Mindfulness of mind—emotions; Dealing with difficult emotions; The role of emotions in legal practice

Reading for week eight:

Buddha's Brain, pages 96-135

Freshman, *Adapting Meditation to Promote Negotiation Success: A Guide to Varieties and Scientific Support*, 7 Harvard Negotiation Law Review 67 (Spring 2002)

Assignment:

1. Journal entry

Week Eight
(10/12)

Cultivating happiness and positive emotions

DUE BEFORE OR AT BEGINNING OF CLASS: Practice log

Reading for week nine:

Riordan, *On Psychotherapeutic Attention*, The Journal of Transpersonal Psychology, 1984, Vol. 14, No. 2

Freshman, *After Basic Mindfulness Meditation: External Mindfulness, Emotional Truthfulness, and Lie Detection in Dispute Resolution*, 2006 J. Disp. Resol. 511 (2006) (Spring 2005)

Assignment:

1. Journal entry

Week Eight (Sat.)
(10/16)

Intensive day of mindfulness practice

Week Nine

Mindfulness of mind—emotions; external mindfulness; deep listening and

(10/19) communication

Reading for week ten:

Buddha's Brain, pages 137-173

Assignment:

1. Journal entry

Week Ten
(10/26) Compassion and Equanimity

Reading for week eleven:

Riskin, *Awareness and Ethics in Dispute Resolution and Law: Why Mindfulness Tends to Foster Ethical Behavior*, 50 S. Tex. L. Rev. 493 (Spring 2009)

Pounds, *Promoting Truthfulness in Negotiation: A Mindful Approach*, 40 Willamette L. Rev. 181 (Winter 2004)

Peppet, *Can Saints Negotiate? A Brief Introduction to the Problems of Perfect Ethics in Bargaining*, 7 Harvard Negotiation L. Review 83 (Spring 2002)

Assignment:

1. Response paper on Riskin/Pounds/Peppet
2. Journal entry

Week Eleven
(11/2) Mindfulness and Legal Ethics, Integration and Closure; Carrying the Practice Forward

DUE BEFORE OR AT BEGINNING OF CLASS: Practice log and response paper

OVERALL REQUIREMENTS FOR CLASS:

1. Attendance: This course is highly experiential, and therefore class attendance is critically important. You are required to attend each class session, including the extended Saturday session. You will be excused from class only if you have a compelling reason such as health, family or work emergency. You need to contact me ahead of time to let me know if a class must be missed for this reason. If such a compelling reason causes you to miss a class, you will need to discuss with me what you will do to make up the class.

2. Class participation: I expect everyone to be involved in the class and to participate--by raising questions, sharing their experiences, and discussing the application of mindfulness to legal practice. Because the class is concerned with the practice of mindful awareness, the use of laptops or handheld devices during class is prohibited.
3. Formal practice and practice log: You will maintain a practice log in the form of a calendar that indicates the dates that you practiced formally. You are expected to do the mindfulness practices on a daily basis. I understand that this can sometimes be difficult and that it is not possible at all times to practice every day. Your log should reflect that you are practicing at least 4 to 5 days each week on average. This is obviously an honor system requirement, but I expect you to take it seriously. I will collect the practice logs in class at weeks 4, 8 and 11.

I will give you specific directions for the focus of your formal practice each week. The directions for the formal practice between week one and week two are in this syllabus.

4. Informal practice: In addition to formal mindfulness meditation practice, each week you will be asked to do informal mindfulness practices. These are not time consuming, but instead require you to be alert to your day to day experience in a particular way. You will need to create reminders for yourself so that you do not forget to do these practices, and you will be asked to journal about your experiences.

I will give you specific directions for your informal practice each week. The directions of the informal practice between week one and week two are in this syllabus.

5. Journaling: Each week, you will have a journal assignment, which will typically be a question or series of questions. I encourage you, in addition, to record whatever observations you have about mindfulness practice and its relationship to your law school experience, work, and life. You may also find that the prompting question or questions takes you in a different direction and you should feel free to go in that direction in your reflective writing. Your journaling can be on a computer or it can be handwritten. You may find it most effective to briefly journal after each mindfulness experience or after most experiences. You may also choose to reflect at a single point during the week, though it might be helpful to have some quick notes jotted down so that you can recapture prior “present moment” experiences or reflections that you had.

The point of the journals is for you to reflect thoughtfully about your experiences, to raise questions, and to be prepared to participate meaningfully in the upcoming class. There is no set length for each week’s journal entry, although they should be more than just a few lines. Typically I would expect that they might be at least a couple of pages for each week. Some weeks you may have more to say and some weeks less. Focus more on getting your reflections on paper and less on stylistic perfection. These are not meant to be formal essays and you therefore do not have to labor over them or draft and then re-draft them. The pass/fail grading structure should encourage you to let your thoughts flow freely.

The journal entries for each week will be due to me no later than the start of class (I have not noted on the entries for each class that the journal entries for that week are due because they are due each week). You may either email it to me before the beginning of class at robert.zeglovitch@zeglaw.com (preferred) or hand it to me at the beginning of class.

The journals and their contents will be treated by me as confidential and will not be shared by me with others. I may, however, refer in class to observations from the journals, without attribution to the author, provided that the observations are generic enough that they will not implicitly identify the author because of story line.

6. Response papers: There will be two short response papers. These will be three page typed papers regarding the law journal readings that we will be doing on mindfulness. I will provide more specific guidance on these papers as the time for working on them approaches. I reserve the right to change the topics and the timing of these papers from what is reflected on the syllabus; I will give you plenty of advance notice if I do this.

Unlike the journal entries, I expect the response papers to be carefully written and to reflect close attention to style and structure. Since the papers are relatively short, you will want to carefully consider what you are choosing to include in them and how to concisely but fully express your points. The art of the short written piece is one that I have found to be quite important in communicating with clients.

7. Requirement for passing grade: In order to receive a grade of Pass, you must attend class and hand in all of your journal entries, practice logs, and response papers as outlined in the syllabus. If there is a special circumstance which interferes with your ability to hand in the required work according to the schedule, please discuss it with me so that we can determine whether an accommodation is in order. I would expect that this would be available only in a highly unusual situation.
8. Work in progress: This is the first time that I have taught this course. While I have a well thought out plan for how we will proceed, I reserve the right to make adjustments to the readings and topics for each class session, in order to conform to how the class develops. I may decide to stay with a particular topic for a longer period of time if that seems like it would be useful, or to collapse or eliminate other topics. I will give you plenty of advance notice regarding any changes that might affect your work in the class.

CONTACTING ME:

If you have any questions or concerns, you should contact me by email at robert.zeglovitch@zeglaw.com I will try to respond to your email as soon as possible, and if there is something that calls for a conversation, I will make arrangements to connect with you by phone or before or after class.