



Mind over matter

The art of mindfulness meditation

By Jenny Canau

What is an article on mindfulness meditation doing in a legal journal? Why are mainstream law firms and law schools worldwide offering courses on mindfulness meditation? What is meditation, and what could it possibly have to do with the practice of law? This article will offer answers to these questions, and show how mindfulness meditation will enhance your legal practice.

Mindfulness meditation is the art of using simple methods to calm and stabilise the mind. It is in essence a mind-training in paying attention, deliberately

in the moment without judgment. It is a secular practice of cultivating our innate human qualities of presence and awareness. This systematic method of paying attention enables us to gain insight into our mental and emotional processes, our habitual reactions and their manifestations in our mind and body.

Mindfulness training is a way of bringing awareness to the moment by moment experience of living, realising that, in each moment, we have a choice as to what we think and how we act. It affords us the skill of standing back from the flow of our thoughts and emotions, thereby enabling us to choose what we

focus our energy on and what we leave alone. Such awareness enables us to understand and deal with our own reactions to inner tensions, stress and conflict. It opens the door to developing ourselves in ways that will enable us to perform better and get more satisfaction from work and life.

Over the past 20 years, mindfulness meditation has made significant contributions in many sectors of Western society, including health care, psychotherapy, education and the legal system. In the United Kingdom (UK), mindfulness-based cognitive therapy has been incorporated into the official guidelines of

the National Health Services and today many countries, including South Africa, have doctors, psychologists and psychiatrists prescribing it for depression, stress and chronic illnesses. Mindfulness-based cognitive therapy has been shown to be more beneficial than antidepressants, particularly for people who have experienced three or more previous episodes of depression. This is now recommended as a treatment modality by the National Institute of Clinical Excellence in the UK (see 'Depression: The treatment and management of depression in adults' at [38 www.nice.org.uk/nicemedia/live/12329/45896/45896.pdf](http://www.nice.org.uk/nicemedia/live/12329/45896/45896.pdf), accessed 17-7-2013)).

In education, mindfulness is taught worldwide at many prominent universities, promoting cognitive and academic performance, as well as mental health and wellbeing. Rob Nairn, prominent international mindfulness meditation teacher and former professor of criminology at the University of Cape Town (UCT), currently leads the first three-year master's degree in mindfulness at Aberdeen University in Scotland. The Institute for Mindfulness Interventions South Africa is presently collaborating with the Faculty of Health Science at the University of Stellenbosch to offer the first postgraduate certification in mindfulness-based interventions in South Africa. It is also currently being taught at cutting-edge business schools, including UCT's Graduate School of Business.

The pioneering initiative in the area of law was led by the Centre for Mindfulness in Medicine, Health Care and Society, which offered the first mindfulness programme to trial court judges in the United States (US) in 1989. This was followed in the early 1990s by mediators of the US Court of Appeals, who attended mindfulness workshops held at Spirit Rock Meditation Centre. During this time, the Boston office of the leading law firm Hale and Dorr was the first to offer its lawyers a mindfulness meditation course.

In 1998 the Centre for Contemplative Mind in Massachusetts held its first retreat for Yale law students and faculty members, presented by mindfulness luminary Joseph Goldstein. This resulted in the creation of a law program, led by Charlie Halpern, which sponsors annual retreats and mindfulness gatherings for lawyers, judges, professors and students (see www.contemplativemind.org).

Mindfulness meditation has since made many inroads into legal dispute resolution education and is offered as continuing education programmes for lawyers, judges, mediators and negotiators (LL Riskin 'The Contemplative Lawyer: On the potential contributions of mindfulness meditation to law students' (2002) 7 *Harvard Negotiation Law Review* 1). Some universities in the US,

including the Berkeley law school and the University of Missouri law school, offer mindfulness training to law students, while other universities, such as Monash in Australia, are offering mindfulness training to all first-year students, including offering training to faculty members. In 2010, the University of California at the Berkeley School of Law held a conference entitled 'The Mindful Lawyer: Practices and Prospects for Law School, Bench and Bar'.

This saw 200 lawyers, law students, judges and law professors from the US, Canada and Australia attend the first ever international conference, exploring the integration of mindfulness meditation with legal education and practice (www.mindfullawyerconference.org).

There is a growing interest globally in mindfulness meditation in the legal profession, as evidenced by articles on this subject in mainstream legal journals. It features frequently in newsletters from the American Bar Association, which has shown its support by sponsoring talks, articles and mindfulness programs for the legal fraternity (J Patton Hyman, Esq 'The Mindful Lawyer: Mindfulness and the Law Practice' (2007) Summer *The Vermont Bar Journal*; 'A call for mindfulness in our profession' (2009) April *Massachusetts Bar Association Lawyers Journal* www.massbar.org/publications/lawyers-journal/2009/april/president's-view, accessed 17-7-2013; LL Riskin 'Annual Saltman Lecture: Further Beyond Reason: Emotions, the Core Concerns, and Mindfulness in Negotiation' (2010) January *Nevada Law Review*).

Although traditional legal training still focuses on overcoming external challenges, through mindfulness practice, there are now an increasing number of lawyers worldwide that are training themselves to work on their inner life in an effort to improve their law practice, benefit clients and colleagues, and provide better training for lawyers and, ultimately, yield better justice.

There has also been an explosion of scientific interest worldwide in the neuroscience of meditation, with neuroscientists recording brain waves and taking pictures of brain activity in many thousands of meditators, ranging from novices in urban practice centers to monks in secluded monasteries.

In this way, neuroscience has uncovered how mindfulness meditation transforms not only our behaviour, but also the structure and function of the brain. Benefits of meditation, namely increased calm, decreased stress, and better attention have been traced to actual neural changes in the brain. Meditation practice is associated with changes of specific brain areas that are essential for attention, learning and regulation of emotion.

Harvard neuroscientist Lazar found that enlarged areas of the prefrontal cor-

tex - the area of the brain that is linked to happiness - are activated by meditation. The region of the brain most associated with emotional reactivity and fear, the amygdala, has decreased gray matter density in meditators.

The most surprising finding was that both of these types of structural brain changes were seen after only eight weeks of mindfulness meditation practice.

Recently, Richard J Davidson and colleagues reported their study where high-tech executives (with no previous experience in meditation) were given an eight-week meditation course, which resulted in increased activity in the left prefrontal lobe cortex, which is the part of the brain associated with happiness (see RJ Davidson 'Alterations in the Brain and Immune Function produced by Mindfulness Meditation' (2003) 65 *Psychosomatic Medicine* 564).

The 'Jurisight Program' developed by Scott Rodgers, now brings together groundbreaking work in the field of neuroscience and the contemplative practice of mindfulness in the field of law (www.jurisight.com). Scott Rodgers recently presented a programme at the Florida Bar Convention called 'Mindfulness, Neuroscience and the Law', which focuses on improving effectiveness and reducing stress through understanding how the brain works under certain conditions.

What is evident today is that mindfulness has many benefits for the legal sector, in that it helps to:

- Manage and reduce stress.
- Increase problem-solving and negotiation skills and abilities.
- Improve concentration and generates an inner sense of calm and stability.
- Improve emotional intelligence through developing self-awareness, self-regulation, motivation and empathy.
- Improve equanimity of mind through developing patience and balance (see LL Riskin).

The South African legal profession needs to stay abreast of these developments and, through the newly established Centre for Integrative Law (www.integrativelaw.co.za), such training is now available to lawyers in 2013. In partnership with Mindfulness Africa, an association of mindfulness practitioners founded and developed by international mindfulness meditation teacher Rob Nairn, it will host the first course of Mindfulness for Lawyers in Cape Town over an eight-week period in two-hour evening sessions. For further information, please visit www.mindfulnessafrica.org and www.cil.org

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