

CHAPTER 15

AWARENESS IN LAWYERING: A PRIMER ON PAYING ATTENTION

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Introduction

Many lawyers who wish “to practice law as a healthy, healing profession, one that the lawyer finds fulfilling and rewarding and that is beneficial and therapeutic for the client”¹ could face at least two problems. The first is the dominance of the narrow mindset—which I have elsewhere called the “Lawyer’s Standard Philosophical Map”—that governs much of legal education and many aspects of law practice.² The second is the natural tendency of the human mind—exacerbated by the conditions of contemporary law practice—to get distracted and to focus excessively on the self. These problems combine to make it difficult for many lawyers to be sufficiently “present”—mentally and emotionally—with their clients, their counterparts, and themselves, to practice law in the ways envisioned in this book. In meeting the challenges of being present, two states of mind are particularly useful: a mindful, non-judgmental awareness and an attitude of loving-kindness. All people experience such states of mind at some times. But for most of us, most of the time, it is impossible to sustain such states of mind in the face of difficult circumstances.

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1. *Preface, supra* at p. xv.

2. See Leonard L. Riskin, *Mediation and Lawyers*, 43 OHIO ST. L.J. 29, 44–45 (1982) [hereinafter Riskin, *Mediation and Lawyers*].

From: *The Affective Assistance of Counsel: Practicing Law as a Healing Profession* 447-71 (Marjorie Silver, ed., Carolina Academic Press, 2007).

Fortunately, however, we can deliberately cultivate such states of mind through specific meditative practices and can integrate these practices, and the perspectives they produce, into our professional lives. Beginning about 1998, some law firms, law schools and professional organizations of lawyers and mediators have been offering instruction and support for such meditative practices—and many lawyers are participating.³

This chapter explains the nature of the states of mind characterized by mindfulness and loving-kindness and gives practical suggestions on how to develop these states of mind and deploy them in relation to law practice situations in order to provide better service to your clients and gain more satisfaction from your work. Because of space limitations, and the “practical” orientation of this book, this chapter is necessarily brief. It deals with just a few meditative practices and describes only their principal features and potential benefits—omitting many of their philosophical and psychological underpinnings. I hope that interested readers will follow the trails marked in the footnotes and in the Appendix.

I. Mindfulness and Loving-Kindness

A. Mindfulness

Mindfulness, as I use the term, means being aware, moment-to-moment, without judgment and without commentary, of whatever passes through the sense organs and the mind—sounds, sights, bodily sensations, odors, thoughts, judgments, images, emotions.⁴ One develops the ability to be mind-

3. See Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Benefits of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 HARV. NEGOT. L. REV. 1, 33-35 (2002) [hereinafter Riskin, *Contemplative Lawyer*]; Leonard L. Riskin, *Mindfulness: Foundational Training for Dispute Resolution*, 54 J. LEGAL EDUC. 79, 85-88 (2004) [hereinafter Riskin, *Foundational Training*]; Initiative on Mindfulness in Law and Dispute Resolution, at <http://www.law.missouri.edu/csdr/programs/mindfulness> (last modified Sept. 23, 2005).

4. See BHANTE HENEPOLA GUNARATANA, *MINDFULNESS IN PLAIN ENGLISH* (1992). It is important to distinguish mindfulness from the other major form of meditation, known as “concentration.” In concentration meditation, the mediator focuses attention exclusively on one object, such as a mantra or an image or a mental state. See DANIEL GOLEMAN, *THE VARIETIES OF THE MEDITATIVE EXPERIENCE* 7-20 (1977) [hereinafter GOLEMAN, *VARIETIES OF MEDITATIVE EXPERIENCE*]; GUNARATANA, *supra*, at 3; Kathleen Riordan Speeth, *On Psychotherapeutic Attention*, 14 J. TRANSPERS. PSYCHOL. 141, 146-48 (1982). In the West, perhaps the most popularly-known examples of concentration meditation are Transcendental Meditation (see Charles N. Alexander et al., *Transcendental Meditation, Self-Actualization*,

ful through “formal” practices, such as meditation and mindful yoga, then deploys mindfulness in everyday life. The purpose of the practice, as Jon Kabat-Zinn tells us, is not to become a good meditator, but to live with more freedom from habitual ways of perceiving and acting, and thus to be more present in your life and your work, to enjoy life more, and to help others more readily and fully.⁵

During the last twenty years, this ancient practice has found many uses in modern Western society—in health care, athletics, management, and more recently, in programs for lawyers, law students, and mediators.⁶ Mindfulness meditation and the mindful awareness that it fosters can help people deal better with stress, listen better to themselves and others, perform better, and achieve more satisfaction from their work. For these reasons and others, they can help lawyers who wish to serve their clients more comprehensively and gain more satisfaction from their work.

Mindfulness can help in several ways.

1. Dealing with Stress, Creating Calm, and Enhancing Presence

First, mindfulness can enable the lawyer to deal better with stress and to develop a calm state of mind that will foster the ability to think clearly. Second, it can permit the lawyer to deal more effectively with distractions so that he can listen carefully and otherwise pay attention to—that is, be “present” with—his work and his client. Such presence not only allows the lawyer to learn more about the client; this form of non-judgmental attention often can help “heal” the client—perhaps in the same way that the close presence of a human caretaker can enhance the health of a houseplant. And the emotional calm has a contagious effect, spreading from lawyer to client and to those the client touches.⁷ As the poet William Butler Yeats put it: “We can make our

and *Psychological Health: A Conceptual Overview and Statistical Meta-Analysis*, 6 J. SOC. BEHAV. & PERSONALITY 189 (1991)), and the method known as the “Relaxation Response,” which was developed by Herbert Benson of Harvard Medical School. HERBERT BENSON, *THE RELAXATION RESPONSE* (1975).

5. See generally JON KABAT-ZINN, *COMING TO OUR SENSES: HEALING OURSELVES AND THE WORLD THROUGH MINDFULNESS* (2005).

6. See Riskin, *Contemplative Lawyer*, *supra* note 3; Riskin, *Foundational Training*, *supra* note 3; Initiative on Mindfulness in Law and Dispute Resolution, *supra* note 3; The Harvard Negotiation Insight Initiative, at www.pon.harvard.edu/hnii (last visited Apr. 30, 2006).

7. See Joseph P. Forgas, *On Feeling Good and Getting Your Way: Mood Effects on Negotiator Cognition and Bargaining Strategies*, 74 J. PERSONALITY & SOC. PSYCHOL. 565 (1998) (documenting the phenomenon of “emotional contagion”).

minds so like still water that beings gather about us, that they may see their own images, and so live for a moment with a clearer, perhaps even with a fiercer, life because of our quiet.”⁸

Mindfulness also can enhance “emotional intelligence”⁹ and so enable the lawyer to deal more appropriately with her own emotions and those of her client and others involved in a dispute or transaction.

2. *Transcending Habitual Ways of Perceiving and Behaving*

The biggest challenge to providing “affective assistance” is the dominance of an adversarial perspective in legal education and law practice. I have elsewhere called this the “Lawyer’s Standard Philosophical Map”:

On the lawyer’s standard philosophical map ... the client’s situation is seen atomistically; many links are not printed. The duty to represent the client zealously within the bounds of the law discourages concern with both the opponent’s situation and the overall social effect of a given result.

8. William Butler Yeats, *quoted in* SHARON SALZBERG, *LOVINGKINDNESS: THE REVOLUTIONARY ART OF HAPPINESS* 189 (1997).

9. To over-simplify, and put it into the contemporary idiom, mindfulness practice tends to produce what Daniel Goleman has called “emotional intelligence,” which entails five “basic emotional and social competencies”: self-awareness, self-regulation, motivation, empathy, and social skills. DANIEL GOLEMAN, *EMOTIONAL INTELLIGENCE: WHY IT CAN MATTER MORE THAN IQ* (1995) [hereinafter GOLEMAN, *EMOTIONAL INTELLIGENCE*]; DANIEL GOLEMAN, *WORKING WITH EMOTIONAL INTELLIGENCE* (1998) [hereinafter GOLEMAN, *WORKING WITH*]. Goleman argues, marshaling a great deal of empirical evidence, that emotional intelligence is much more important than academic intelligence in predicting success at virtually any occupation or profession—assuming, of course, an adequate level of academic intelligence. Mindfulness meditation can help develop the first four of these emotional intelligence competencies—self-awareness, self-regulation, motivation, and empathy; these, in turn, are likely to help produce the fifth emotional intelligence competency—social skills.

These emotional intelligence elements provide the foundation for, but do not guarantee, the development of certain practical skills, or emotional *competencies*. GOLEMAN, *WORKING WITH*, *supra*, at 25. As Goleman explains, “[B]eing good at serving customers is an emotional competence based on empathy. Likewise, trustworthiness is a competence based on self-regulation, or handling impulses and emotions well.” *Id.*

For an excellent discussion of how the “emotional sense” can help a lawyer perform better in all manner of activity, see Erin Ryan, *The Discourse Beneath: Emotional Epistemology in Legal Deliberation and Negotiation*, 10 HARV. NEGOT. L. REV. 231 (2005).

See generally *supra* ch. 1: Marjorie A. Silver, *Emotional Competence and the Lawyer’s Journey*.

Moreover, on the lawyer's standard philosophical map, quantities are bright and large while qualities appear dimly or not at all. When one party wins, in this vision, usually the other party loses, and, most often, the victory is reduced to a money judgment. This "reduction" of nonmaterial values—such as honor, respect, dignity, security and love—to amounts of money, can have one of two effects. In some cases, these values are excluded from the decision makers' considerations, and thus from the consciousness of the lawyers, as irrelevant. In others, they are present but transmuted into something else—a justification for money damages ... The lawyer's standard world view is based upon a cognitive and rational outlook. Lawyers are trained to put people and events into categories that are legally meaningful, to think in terms of rights and duties established by rules, to focus on acts more than persons. This view requires a strong development of cognitive capabilities, which is often attended by the under-cultivation of emotional faculties.¹⁰

This perspective has its virtues, of course,¹¹ but it also carries problems. It severely limits a lawyer's ability to see things broadly or deeply, to develop curiosity, to listen fully to clients and others, to learn about people's underlying interests, and to think creatively. And it seems to render irrelevant attempts at self-understanding or at seeking out, or even noticing, what connects people (in addition to what separates them). Thus, it may contribute to many problems in law practice and in the legal system—such as excessive adversarialism, inadequate solutions, high costs, delays, and dissatisfaction among both lawyers and clients—all of which produce suffering.¹² To help clients more fully, lawyers must transcend the dominating influence of the standard philosophical map and recognize it as simply one perspective. To do that the

10. Leonard L. Riskin, *Mediation and Lawyers*, 43 OHIO ST. L.J. 29, 44–45 (1982) [hereinafter Riskin, *Mediation and Lawyers*]. Of course this map is overdrawn; it exaggerates a common tendency. Many lawyers practice in more balanced ways. And transactional lawyers tend more often to draw on wider perspectives. But as I said twenty years ago, it describes the way most lawyers think most of the time. *Id.* at 46. Other limiting mind-sets also contribute to the problems I describe. See, e.g., ROBERT H. MNOOKIN ET AL., *BEYOND WINNING: NEGOTIATING TO CREATE VALUE IN DEALS AND DISPUTES* 9–91 (2000) (describing limiting mind-sets associated with client counseling and negotiation) [hereinafter *BEYOND WINNING*].

11. See Riskin, *Mediation and Lawyers*, *supra* note 10, at 47.

12. See *supra* ch. 7: Harold Abramson, *Problem-Solving Advocacy in Mediations: A Model of Client Representation*.

lawyer must be aware of the psychological contours of that map. And mindfulness is a premier method for developing such awareness.

Mindfulness can help lawyers achieve a distance from the adversarial perspective in another way—by nurturing positive emotions, as well as feelings of kindness and compassion toward self and others. There is a strong interdependency among attitude, mood (or state of mind or emotional tone), and behavior. The better mood a person is in, the more likely he or she will spot opportunities for collaboration, i.e., for getting beyond adversarial relations.¹³ A bad mood tends to narrow one's focus, a good mood to expand it.¹⁴ And the more one collaborates successfully, the more likely one is to be in a good mood. In other words, a positive mood and collaborative behavior are mutually reinforcing.

Mindfulness can contribute to reducing the pull of negative emotions and to strengthening positive emotions in several ways. First, mindfulness can help diminish pessimism¹⁵ by helping lawyers become aware of the extent to which their thoughts contribute to pessimism and the extent to which their thoughts—as well as the circumstances to which they relate—are always transient and often in error.¹⁶ In addition, it generally improves one's mood by

13. See MAX H. BAZERMAN & MARGARET A. NEALE, *NEGOTIATING RATIONALLY* 121–22 (1992); Ryan, *supra* note 9, at 269. See generally Clark Freshman et al., *The Lawyer-Negotiator as Mood Scientist: What We Know and Don't Know About How Mood Relates to Successful Negotiation*, 2002 J. DISP. RESOL. 1.

14. MARTIN E. P. SELIGMAN, *AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT* 39 (2002).

15. Pessimism, as Seligman uses the term, does not mean seeing the glass as half-empty. “[P]essimists tend to attribute the causes of negative events to stable and global factors (“it’s going to last forever, and it’s going to undermine everything”). The pessimist views bad events as pervasive, permanent, and uncontrollable, while the optimist sees them as local, temporary, and changeable.” SELIGMAN, *supra* note 14, at 177–78. “[P]ositive emotions are the fuel of win-win (positive sum) games, while negative emotions like anger, anxiety, and sadness have evolved to switch on during win-loss games.” *Id.* at 180. Seligman maintains that all emotions have feeling, sensory and thinking components, and that “[t]he feeling component of all negative emotions is aversion—disgust, fear, repulsion, hatred, and the like.... The type of thinking such emotions ineluctably engender is focused and intolerant, narrowing our attention to the weapon and not the hairstyle of our assailant. All of this culminates in quick and decisive actions: fight, flight, or conserve.” *Id.* at 31. Reducing pessimism in lawyers may not be entirely beneficent. In one study, law students who were more pessimistic, as measured by a questionnaire, did better on law school examinations. Seligman speculates that they were more able to identify problems, an essential skill on most law school examinations. See *id.* at 178.

16. See ZINDEL V. SEGAL ET AL., *MINDFULNESS-BASED COGNITIVE THERAPY FOR DEPRESSION: A NEW APPROACH TO PREVENTING RELAPSE* 134–36 (2002).

helping reduce and better address the experience of stress. Recently, scientists have found evidence that mindfulness meditation can increase the type of brainwave activity associated with happiness—actually shifting a person’s disposition, not just her mood.¹⁷

Psychologist Martin Seligman, a leading exponent and proponent of “Positive Psychology,” which emphasizes the study and promotion of positive emotions, argues that the despair that is so prevalent among lawyers—especially young associates in large law firms—is due to three factors: pessimism; “low decision-latitude in high stress situations”; and being part of a ‘win-lose’ profession.”¹⁸ By increasing a lawyer’s positive emotions toward his client, his counterpart, and himself, mindfulness meditation can enhance the likelihood that the lawyer will be able to address underlying interests of his client and the other party and to collaborate more effectively. In Seligman’s words, “A positive mood ... buoys people into a way of thinking that is creative, tolerant, constructive, generous, undefensive and lateral.”¹⁹ This should enable the lawyer to create better processes and outcomes and more satisfaction, by giving him more “decision latitude” and allowing him, when appropriate, to convert “win-lose” situations to “win-win” situations.²⁰

B. Loving-Kindness

Mindfulness practices *tend* to promote positive mind states, but not consistently and sometimes only over a period of time. However, other medita-

17. Richard J. Davidson et al., *Alterations in Brain and Immune Function Produced by Mindfulness Meditation*, 65 PSYCHOSOMATIC MED. 564 (2003). Davidson and his colleagues found that meditators had increased levels of brainwave activity in the left prefrontal cortex (which is known to correlate with the experience of happiness) and decreased activity in the right prefrontal cortex. High activity in the right prefrontal cortex is associated with the experiences of stress and anger. See also Daniel Goleman, *Finding Happiness: Cajole Your Brain to Lean to the Left*, N.Y. TIMES, Feb. 4, 2003, at F5.

18. SELIGMAN, *supra* note 14, at 177–81.

19. *Id.* at 39.

20. Of course, I am presenting a simplified, but I hope not too simplistic, explanation of the relationship between mindfulness and collaborative behavior. For a more critical—and pessimistic—discussion, see Scott Peppet, *Can A Saint Negotiate?*, 7 HARV. NEGOT. L. REV. 83 (2002). See also Van M. Pounds, *Promoting Truthfulness in Negotiations: A Mindful Approach*, 40 WILLAMETTE L. REV. 181 (2004); BAZERMAN & NEALE, *supra* note 13, at 122 (asserting that negotiators in a good mood may be more vulnerable to certain psychological traps, which are known as the framing, escalation of commitment, and availability effects).

tive practices are specifically designed to deliberately and directly cultivate such positive states of mind.²¹ The most fundamental of such meditations are those that develop loving-kindness toward self and other. These practices are grounded upon the notion that one cannot truly send positive wishes to another unless he has positive feelings toward himself. Thus, the practices begin with developing a positive state of mind as to oneself, which is followed by sending good wishes to others.

II. Developing Mindfulness and Loving-Kindness

This Part offers practical suggestions on developing and reinforcing the foundation for mindfulness and loving-kindness. After that, Part III offers ideas about how to integrate them into daily life and law practice.

A. Building the Foundation: Meditation Practices

1. *Mindfulness*

Mindfulness means being aware, moment to moment and without judgment of whatever passes through the senses and the mind—sounds, sights, smells, other bodily sensations, emotions, and thoughts and images. We aspire to be *aware* that we are hearing while we are hearing; to be aware that we are thinking while we are thinking; and so forth. With such non-judgmental awareness, we gain a kind of freedom. For instance, if, while we are interviewing a client, we become aware that our mind has wandered off to thoughts about next week's football game, we can swiftly bring our attention back to the client. If we become aware of an impulse to get away from our client—manifested, perhaps, by feelings of aversion or anxiety or fear and accompanying bodily sensations—we can make a discerning judgment about whether to follow that impulse in light of the circumstances and our obligations as a lawyer.

We cultivate mindfulness through a progression of meditative practices. The most basic of these is concentration on the breath. From there we move to bodily sensations, thoughts, emotions, and finally, to choiceless awareness

21. See SHARON SALZBURG, *LOVING-KINDNESS: THE REVOLUTIONARY ART OF HAPPINESS* (1997).

or bare attention, a non-judgmental awareness of whatever arises through any of the sense organs or the mind.²²

As indicated in Section B, *infra*, it is helpful to have support for your meditation practice, including individual and group educational activities. However, to give you a sense of meditative practices and an opportunity to practice on your own, I set forth below a series of instructions for the following meditations:

- a. Awareness of Breath
- b. Awareness of Bodily Sensations
- c. Awareness of Thoughts
- d. Awareness of Emotions
- e. (Almost) Choiceless Awareness

a. Awareness of Breath

1) Basic Meditation on the Breath

Sit comfortably with your back and neck erect—either on a chair with your feet flat on the floor, or on a meditation cushion on the floor with your legs crossed—and your hands on your knees or your thighs.²³ Begin to settle yourself by bringing attention to sound. As best you can, observe sounds as they arise, stay present, and fall away, and do this without worrying about the cause of each sound and without judging the sounds. However, if thoughts about the source of sounds and judgments arise, simply be aware of them, and return the attention to sound.

After a few minutes, bring your attention to the sensation of your breath at the place where it is easiest for you to notice. This might be at the nostrils,

22. Different teachers present these practices in different ways and in different orders and combinations. The meditation instructions that follow are based on my own experience as a student and teacher of meditation. They draw on numerous sources, many of which I can no longer identify. For other instructions and a sense of the variety of practices, see generally: JOSEPH GOLDSTEIN, *THE EXPERIENCE OF INSIGHT* (1987); GUNARATANA, *supra* note 4; JON KABAT-ZINN, *FULL CATASTROPHE LIVING* (1990); JON KABAT-ZINN, *WHEREVER YOU GO, THERE YOU ARE* (1994); JACK KORNFIELD, *A PATH WITH HEART: A GUIDE TO THE PROMISES AND PERILS OF SPIRITUAL LIFE* (1993); *BREATH SWEEPS MIND: A FIRST GUIDE TO MEDITATION PRACTICE* (Jean Smith ed., 1998).

23. Meditation traditionally has been done sitting, standing or lying down. In addition there are various forms of walking meditation, which are particularly useful in bringing mindfulness into daily life. For further information on walking meditation, which means being present while walking, see JOSEPH GOLDSTEIN, *INSIGHT MEDIATION: THE PRACTICE OF FREEDOM* 136–37 (1993) and MATTHEW FLICKSTEIN, *SWALLOWING THE RIVER GANGES: A PRACTICE GUIDE TO THE PATH OF PURIFICATION* 78–82 (2001).

as the air enters and leaves, or in the chest or abdomen, as they rise and fall with inhalations and exhalations. Focus on the sensations of one inhalation at a time, one exhalation at a time. When you notice that your mind has wandered, this is a moment of mindfulness! Gently escort your attention back to the breath. If you have a lot of trouble concentrating on the breath, you might try one of the following: 1. Silently note “rising” and “falling,” or “in” and “out,” or “up” and “down” with each breath. 2. Silently count each exhalation until you reach ten; when you reach ten, or go past ten or lose count, begin again at one. During such activities, the words should be in the background, the sensations in the foreground.

The first time you do this meditation, try it for five minutes. As you become comfortable with it, extend the practice to fifteen minutes or more, ideally twice a day. Notice, without judgment, how the mind wanders, and its propensity to latch on to—get carried away with—thoughts, feelings, and sensations.

2.) Extended Meditation on the Breath

When you become comfortable with the Basic Meditation on the breath—which could be a matter of days, weeks, or months—you may want to move to a more extended version of the breath meditation.

Begin with the Basic Meditation on the Breath, as described in the preceding instructions. This time, when you become aware that the mind has wandered, notice where it has gone. Become aware of whether it is in the past or future, and its focus, *e.g.*, on thoughts, bodily sensations, emotions; notice its impermanence, and then gently return the attention to the breath.

* * *

Comment on Breath Meditation

These meditations on the breath tend to create a calm state of mind that enables one to perceive and think more clearly. The difference between the Basic and the Extended Awareness of Breath Meditations is this: In the Basic method, when you notice that the mind has wandered from the breath, you simply bring the attention back to the breath; in other words, you are trying to ignore any distractions so that you can be “absorbed” in the breath. In the Extended form, when you observe that the attention has wandered from the breath, you notice where it has gone—momentarily concentrating on that—and then bring the attention back to the breath. This subtle distinction will be clearer after you practice a bit.

How long should you practice? As a general matter, you will get more benefit from more practice. I suggest quickly working up to fifteen minutes twice each day, and gradually increasing the time up to thirty and then forty-five

minutes. It is especially important to practice every day, even if it is for a very short time.

b. Awareness of the Body—The Body Scan

It is best to do this for thirty to forty-five minutes, but shorter times can work as well. Get into a comfortable position. The ideal position for the body scan is lying on your back on a yoga mat or blanket or soft carpeting, with your feet hanging loosely to the side, arms by your side, and hands palm-up. Sitting in a chair also works, and lessens the chance of falling asleep.

Begin meditating on the breath, as described above. After about three minutes, on an out breath, move the awareness from the breath down the left side of the body to the toes on the left foot. Notice any sensations in the toes—on the skin, in the muscles. If you observe no sensations at all in the toes, that is o.k. After a few moments, on an out breath, move your attention to the bottom of the foot. Gradually, in this manner, move your attention systematically throughout the body, moving, more or less, as follows, noticing, as best you can, any sensations on the skin, in the muscles, in the joints:

- the left ankle, calf, knee, thigh, buttock;
- the right toes, foot, ankle, calf, knee, thigh, buttock;
- the genital area;
- the abdominal area, chest, upper back;
- shoulders, lower back;
- the left upper arm, elbow, lower arm, hand, fingers and thumb (as best you can, moving the attention from one digit to another);
- the right upper arm, elbow, lower arm, hand, fingers and thumb (one digit at a time);
- the neck, front, sides and back;
- the cheeks, chin, lips, mouth (roof, floor, sides, tongue, teeth), eyes, eye lids, ears;
- the head—sides, back, top;
- the entire body, noticing any sensations on the skin, in the tissue, in the bones and joints, as they arise in any part of the body.

As you are moving the attention through the body, here are a few suggestions:

- The attitude here is non-judgmental curiosity. You are trying to observe what's going on in the body, not to judge it. If, however, it turns out that the mind is judging—*e.g.* if the thought arises, “I wish my hair were

thicker”—simply observe that judging, and don’t judge yourself harshly for having such a judgment.

- You may find it helpful to imagine that you are breathing into and out of the part of the body on which you are focusing.
- When you notice that the mind has wandered away from the part of the body on which you are focusing, that is a moment of mindfulness; simply return the attention to that part of the body.²⁴
- If, however, the attention is distracted by a very strong unpleasant sensation, such as a pain or an itch, instead of drawing the attention back to the part of the body on which you are focusing, simply focus on the unpleasant sensation. As best you can, observe it without judgment. But as judgment arises, notice that, too. Observe the changing nature of the physical sensation, and notice the thoughts associated with it. Usually such thoughts relate to wishing the sensation would go away. In this sense, there is a distinction between pain—the physical sensation—and suffering—wishing things were other than the way they are.
- Use the breath as a source of stability. In the same way that a swimmer may occasionally return for temporary support to the side of the pool or a pier in a lake, when you lose track or get stuck in any sounds, bodily sensations or feelings, bring the attention momentarily to the breath, until the attention feels stable enough to return the part of the body on which you are focusing.

c. Awareness of Thoughts

To prepare for Awareness of Thoughts Meditation, begin with a brief Extended Awareness of the Breath Meditation, as described above. Once the mind is relatively settled, bring the attention to thoughts and thinking. The idea is to become aware, without judgment, of thoughts as they arise, stay present, and drop out of awareness. For most people, this is more challenging than being aware of the breath and bodily sensations. For that reason, you may find it helpful to silently “label” thoughts as they arise. For instance, you might say “thinking” when you notice a thought arise.

24. After you become familiar with the body scan (e.g., after you have done it several times), you might address distractions by using the “triangle of awareness”—thoughts, bodily sensations, and emotions (an idea developed at the Stress Reduction Clinic at the University of Massachusetts Medical School and used in its teaching programs). For example, when you notice that the mind is distracted by thinking, try also to observe any bodily sensations and emotions that accompany the thoughts.

The main idea here is to be *aware* that you are thinking *while* you are thinking, and to have enough distance from the thinking that you can decide whether that's what you want your mind to be doing.

* * *

Comment

This meditation is particularly useful in helping us learn to deal with distracting thoughts. In addition, it gives us the opportunity to notice that we have almost no control over what thoughts arise, though we do have choices over how we respond to them. If we have enough presence of mind to be aware of thoughts as they arise, we also have a chance to assess their validity²⁵ and appreciate the saying, "Don't believe everything you think."

d. Awareness of Emotions

Prepare for this by meditating on the breath and then doing a brief (say, two-minute) body scan. Once the mind is settled, open the awareness to emotions. Try to notice—again, without judgment—feelings such as fear, sadness, joy, revulsion, anxiety. Once again the appropriate attitude is curiosity, mingled with a compassion for self. If you observe carefully, you will see that what we think of as an emotion is closely connected to thoughts and bodily sensations. You may find it helpful to silently label the emotions that you recognize. As in all the meditations in this sequence, you may find it useful to use the breath as a source of stability, returning to it whenever you lose track of where your attention is or should be or when you need a "rest."

e. (Almost) Choiceless Awareness

Prepare for this by meditating on the breath and then doing a brief body scan. Once the mind is settled, open the awareness to all of the objects that we addressed in the previously described meditations—sounds, the breath, bodily sensations (this includes sounds and the breath as well as smells), and emotions.²⁶ Once again, use the breath as a source of stability. It may be helpful for you to keep in mind categories of experiences and to label experiences accordingly. For instance, you might employ the "triangle of awareness"²⁷—

25. For an example of this ability in the negotiation context, see Andrea K. Schneider, *Effective Responses to Offensive Comments*, 10 NEGOT. J. 107 (1994).

26. I call this "(Almost)" Choiceless Awareness, because in Choiceless Awareness (a.k.a. Bare Attention) one does not choose to focus on the breath, or anything else.

27. This notion was developed at the Stress Reduction Clinic at the University of Massachusetts Medical School and is used in its teaching programs.

thoughts, bodily sensations, and emotions; try labeling your experiences in terms of these three categories and noticing any relationships among them.²⁸

2. *Loving-kindness*

The central idea in loving-kindness meditation is to send certain kinds of good wishes to others. In order to do that, however, you must have similar good feelings about yourself. And in the West, many people have lots of negative feelings about themselves. So in doing the loving-kindness meditation, we typically begin by sending these good wishes—in the form of a series of phrases—to ourselves. We do this mindfully, noticing any resistance to sending or receiving such wishes. Then we bring to mind a series of others—one person or one group at a time—and send these wishes to them, also mindfully, again noticing any resistance or opening to sending such wishes. We start by sending these good wishes to people we care about very much, and move on to others we know less well or may even dislike.²⁹

The following instructions include phrases that many people find helpful. They are

May I/you be safe.
 May I/you be happy.
 May I/you be healthy and strong.
 May I/you care for myself/yourself with joy and ease
 If these do not resonate with you, make up your own, similar phrases.

* * *

After seating yourself comfortably, begin to calm the mind and body through observation of the breath. Find the place where it is easiest to notice the sensation of the breath—which could be at the nostrils, in the chest, or in the belly. After a few minutes, get a sense of your body, noticing any sensations.

28. As you may notice, the three factors often are deeply interrelated. Each affects the others.

29. As is the case with all the meditations described in this chapter, loving-kindness meditations come in a wide variety of formulations. The language set forth below draws heavily on meditation instructions recorded by Melissa Blacker of the Stress Reduction Clinic at the University of Massachusetts Medical School and available for purchase at <http://www.umassmed.edu/cfm>. She, in turn, drew on loving-kindness materials prepared by Michelle McDonald-Smith and Sharon Salzberg, “almost like a folksong.” Email from Melissa Blacker, University of Massachusetts Medical School, to Leonard Riskin (Aug. 30, 2005) (on file with author). For more on loving-kindness, see SHARON SALZBURG, *LOVING-KINDNESS* (1995); KABAT-ZINN, *supra* note 5.

a. Cultivating Loving-Kindness Toward Yourself

Safety

Open to the possibility that you could feel safe.

- Notice any thoughts, emotions, or sensations that arise.
- Notice any resistance, fear, or sadness that arises.
- Notice any softening to that idea, any feeling of safety.

Silently repeat, several times: “May I be safe from all inner and outer harm.”

- Notice any thoughts, emotions, or sensations that arise.

Happiness

Open to the possibility that you could be happy, in the very life you are leading—not in a different life in which circumstances are different or you are different.

- Notice any thoughts, emotions, or sensations that arise.
- Notice any resistance, fear, or sadness that arises.
- Notice any softening to that idea, any feeling of happiness.

Silently repeat, several times, “May I be happy, peaceful, and calm.”

- Notice, with curiosity, any thoughts, emotions, and bodily sensations that arise.

Health

Open to the possibility that you could be healthy and strong.

- Notice any thoughts, emotions, or sensations that arise.
- Notice any resistance, fear, or sadness that arises.
- Notice any softening to that idea, any feeling of strength and health.

Silently repeat, several times, “May I be as healthy and strong as it is possible for me to be.”

- Notice, with curiosity, any thoughts, emotions, and bodily sensations that arise.

Caring for yourself

Open to the possibility that you could care for yourself with a sense of joy and ease.

- Notice any resistance, fear, or sadness that arises.
- Notice any softening to that idea, a sense of what it would be like to care for yourself with joy and ease.

Silently repeat, several times: “May I care for myself with joy and ease.”

- Notice, with curiosity, any thoughts, emotions, and bodily sensations that arise.

Repeating all the phrases

Silently repeat all the phrases:

“May I be safe from all inner and outer harm.”

“May I be happy, peaceful, and calm.”

“May I be as healthy and strong as it is possible for me to be.”

“May I care for myself with joy and ease.”

- Notice, with curiosity, any thoughts, emotions, and bodily sensations that arise.

b. Sending Loving-Kindness to Others

Now call to mind the image of a person you love. It could be a friend, a relative, a mentor. Don’t try to make a rational choice, just accept whatever image arises first. Silently repeat the phrases, but directed at that person:

“May you be safe from all inner and outer harm.”

“May you be happy, peaceful, and calm.”

“May you be as healthy and strong as it is possible for you to be.”

“May you care for yourself with joy and ease.”

- Notice, with curiosity, any thoughts, emotions, and bodily sensations that arise.

Next call to mind, one at a time, images of individuals and groups such as the following, and send to each the wishes embodied in these phrases, observing, with curiosity, any thoughts, emotions, and bodily sensations that arise.

A friend or family member.

Someone you don’t know well, an acquaintance.

Someone you don’t know at all but see occasionally—perhaps someone who walks on your block or works in a business you frequent.

Someone whom you dislike or whom you consider an enemy. (You may find it difficult to send good wishes to such a person. If this is the case, try

imagining that person as an infant or a young child—or on her or his deathbed.)

All people in your town, nation, or continent, and in other parts of the world.³⁰

B. Reinforcing the Foundation

Meditation is the key to building the foundation for states of concentration, mindfulness, and loving-kindness, as I am using those concepts. You can dramatically increase the impact of meditation through regular practice and a variety of supporting activities:

- **Meditate regularly on your own.** Establish a routine of meditating once or twice each day, preferably at regular times. Most people find it best to meditate first thing in the morning and again in the evening. Begin with fifteen minutes and gradually increase up to 50 minutes.
- **Sit regularly with a group.** In most mid-size or large communities in the U.S., groups (organized in varying degrees), meet weekly to meditate. Often the sittings include talks on philosophical and practice issues.³¹
- **Attend meditation retreats.** Day-long and multi-day retreats permit the mind to become still so that you can get a deeper level of calm and greater insight into how the mind works. Some such retreats are designed especially for lawyers.³²
- **Attend lectures and workshops on meditation.** Numerous programs are available in most large U.S. cities. In addition, special workshops on meditation for lawyers and mediators are now common features of dispute resolution conferences and the subject of multi-day workshops and retreats. Other workshops are based principally on particular skills, such as negotiation, and include a large mindfulness component.

30. Some people will extend these wishes to animals, plants, and “all beings.”

31. In some contexts, “mindfulness meditation” is also known as “vipassana” or “insight meditation.” For a listing of insight meditation resources, see http://www.geocities.com/~madg/links.html#us_practice, as well as other resources listed in the Appendix to this chapter. You will also find mindfulness meditation used by some practitioners of Zen and other schools of meditation.

32. For information about retreats and other mindfulness meditation programs for lawyers, see the following websites, which are listed in the Appendix at the end of this chapter: The Center for Contemplative Mind in Society Law Program; The Initiative on Mindfulness in Law and Dispute Resolution; The Harvard Negotiation Insight Initiative.

- **Read about meditation practices.** There is a vast literature on meditation, with many orientations, including religious, spiritual, philosophical, practical, and scientific. And there is a growing literature on mindfulness as it relates to law and dispute resolution.
- **Keep a journal of your meditation insights and experiences.** This can help you keep track of what you are learning. During meditation retreats it usually is unwise to write in a journal, and it is almost always a bad idea to stop a meditation, when you get a “great idea,” in order to write it down. Such activities could interfere with developing the states of mind you are seeking to cultivate, which are about observing, not about thinking. However, after retreats and after meditating in other settings, you may find it useful to make notes or comments as a way of preserving your insights.
- **Engage in other mindfulness-generating activities.** Some forms of yoga take a very mindful focus, as do T'ai Chi, Qi Gong, and other processes, such as the Feldenkrais method.³³ Many mindfulness programs offer instruction in walking meditation.

III. Bringing Mindfulness and Loving-Kindness into Daily Life and Law Practice

Mindfulness and Loving-Kindness can help you prepare for, conduct, and reflect on many lawyering activities.

A. Preparing for Activities

I find it very useful to use meditative practices to prepare for various challenging activities, and for transitions between ordinary activities.

In preparing for activities you expect to be challenging, the most appropriate meditative practice to use might depend on your current state of mind and the nature of the prospective activity. Your level of experience with various meditative practices also might have an impact.

Here are a few suggestive examples:

- **Before a difficult trial, negotiation, mediation, or meeting**
 - **If you are feeling very anxious or agitated:**

33. See Feldenkrais Educational Foundation of North America, at <http://www.feldenkrais.com/> (last visited Dec. 28, 2005).

A meditation on the breath or on bodily sensations could help calm the mind and body.

As you feel more calm, and depending upon your level of experience and comfort with the other meditations, you may wish to extend your focus to thoughts and emotions, and even practice (almost) bare attention. Such awareness could give you insight into particular issues or concerns that might be bothering you. In negotiations, for example, as Roger Fisher and Daniel Shapiro put it, most people have the same “core concerns”: appreciation, affiliation, autonomy, status, and role.³⁴ Any of these could manifest itself in thoughts, emotions, and bodily sensations. And, of course, any of these could get in the way of your mindful attention to the task at hand. However, if you can muster moment-to-moment awareness and equanimity about concerns you are experiencing—say a sense of threat to your status—that, in itself, could diminish the power of such concern, and allow you to maintain the appropriate focus. Similarly, such non-judgmental awareness may give you reason to suspect that your negotiation counterpart has similar concerns, and give you the presence of mind to address such concerns.³⁵

Such meditations also will heighten your general level of awareness, enhancing the likelihood that you will be able to maintain a mindful awareness in the midst of the negotiation.

- **If you are feeling antipathy toward any of the parties or lawyers or insecure about their attitudes toward you or about your own competence or ability to perform (any of which could be a cause of the anxiety or agitation above):**

You might do a loving-kindness meditation, in which you include, in addition to yourself, the parties and lawyers on both sides, and other affected persons. This can help you keep focused on the task at hand and the interests of others, and less focused on your own ego-centric needs, which otherwise could cause a good deal of distraction. In addition, such meditation usually generates energy and positive states of mind that will improve your chances of making good judgments and collaborating, as appropriate.

You might also meditate on your intentions. You may notice, for example, that negative thoughts arise about your negotiation counterpart—or about yourself. You also may notice thoughts or impulses about how to negotiate—*e.g.*, to follow adversarial strategies or problem-solving strategies. The mind-

34. ROGER FISHER & DANIEL SHAPIRO, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* 15–21 (2005).

35. *See id.* at 115–82 (for ways to do this).

ful, non-judgmental awareness of such thoughts and impulses can allow you to examine them and make a discerning choice about whether and how to follow them.³⁶ In other words, the non-judgmental awareness provides a degree of freedom from impulsive and habitual patterns of behavior.

B. Carrying Out Activities

Building the foundation (through a regular meditation practice and related supporting activities) and meditating before particularly challenging events will enhance the likelihood that you will be able to be mindful in everyday life. Such a foundation improves your alertness and skill at noticing when you are *not* mindful—*e.g.*, when you are distracted by strong emotions, self-centered thoughts or other cognitive processes, or strong sensations in the body—and in being able to return your attention to the task at hand. The real challenge to being mindful is remembering to be mindful. Here are a few suggestions for injecting mindful awareness into routine activities of everyday life and particularly challenging professional situations.

- **Find a few routine activities to do mindfully.**

Such activities as walking, waiting for an elevator or a stoplight, doing the dishes, answering the phone, as well as transitions between activities can provide good reminders. You could even choose something that you find irritating, say a truck horn or alarm.

- **Drop your attention to your breath and to bodily sensations.**

When you are feeling agitated, say, during a negotiation, such a shift in focus can have a calming effect that can enable you to think more clearly. Even when you are not feeling agitated, periodically shifting to such a focus can calm the mind and free you from the constraining effects of strong emotions that might otherwise impair your judgment.

- **Try the “STOP” technique**

The instructions for this simple method, developed and taught by the Stress Reduction Clinic at the University of Massachusetts Medical School, are to:

36. I saw Professor Clark Freshman demonstrate this exercise at a conference sponsored by the Center for Contemplative Mind in Society at the Fetzer Institute in Kalamazoo, MI in 2003. See generally Clark Freshman et al., *Adapting Meditation to Promote Negotiation Success: A Guide to Varieties and Scientific Support*, 7 HARV. NEGOT. L. REV. 67 (2002).

- Stop whatever you are doing or thinking.
- Take a breath.
- Observe and “open” to the breath, bodily sensations, emotions. Also observe and open to all the senses and the external environment.
- Proceed. That is, continue with whatever you were doing.³⁷
- Notice distractions to listening, and keep listening.

While you are listening to someone speak—in a negotiation, an interview, a conversation—try to really pay attention. To do that you may have to notice when you are not listening—*e.g.*, when the mind is distracted by emotions, discursive thought, thinking about what *you* will say next, worries, bodily sensations, desires—and to bring your attention back to the speaker. Also notice any impulses to interrupt the speaker—because of impatience, because you think you know what the speaker will say next, because you have a need to say something—and allowing the temptation to be present without following it. Use silence, and notice your and the other person’s reactions to silence.³⁸

- Mentally send loving-kindness to others:

Try sending good wishes to others, mentally. They can include people you pass on the street, friends, enemies, and the lawyers and clients on the other side of your cases. Observe any resistance you feel to doing this as well as your reactions.

C. Reflecting Upon or Reviewing Activities

It is especially useful to practice mindfulness meditation during a break or shortly after completing a significant activity, such as a negotiation, for two reasons: First, it can help you in the transition, to decompress or detach, so that you can be present with whatever happens next. Second, sometimes while practicing mindfulness meditation—even if you try to focus on the present moment—your mind will automatically generate insights about what happened or about why you or others did what they did. Even without looking for them, you may get ideas about what to do next or how to undo mistakes.

In addition to mindfulness practice at such points, some people find it helpful to deliberately reflect on the dispute resolution activity, calling to mind

37. For a more extended version of this technique, see “The Three-Minute Breathing Space,” in SEGAL, *supra* note 16, at 173–75.

38. For further reading on mindful listening, see REBECCA Z. SHAFIR, *THE ZEN OF LISTENING: MINDFUL COMMUNICATION IN THE AGE OF DISTRACTION* (2000).

any discomfort, unease, or difficulty that might have kept them from being more present.³⁹ This can produce much insight.

Conclusion

I hope this has whetted your appetite to know more about how awareness skills can help you feel and perform better as a lawyer. In one sense, being mindful is the easiest task in the world. All you need to do is pay attention, and you can do that right now. In another sense, it is the hardest job you will ever undertake. You could view the simplest meditations, such as awareness of the breath, as a series of constant failures. This is because the essence of being mindful is to notice when we are mindless, when in the words of Ellen Langer, “The light’s on, but nobody’s home,”⁴⁰ or when we are controlled by habitual thought patterns or impulses. But your diligence will be amply repaid. Mindful awareness gives you and your clients the greatest gift of all, your presence.

Appendix: Resources on Mindfulness for Lawyers Organizations and Websites

Initiative on Mindfulness, Law and Dispute Resolution, University of Missouri-Columbia School of Law, <http://www.law.missouri.edu/csdr/mindfulness.htm>. This will be moved in 2007 to the University of Florida Levin College of Law.

Harvard Negotiation Insight Initiative, Program on Negotiation at Harvard Law School. Contact Erica Fox, at Efox@law.harvard.edu; <http://www.pon.harvard.edu/hnii>.

Center for Contemplative Mind in Society, 199 Main St., 3rd Floor, Northampton, MA 01060. The Center’s law program has sponsored a series of insight meditation retreats for lawyers and law students. For information, contact Mirabai Bush, executive director, 413/268-9275; or Doug Chermak, law program director, 510-597-1650, d_chermak@yahoo.com; <http://contemplativemind.org>.

39. See Daniel Bowling, *Who am I as Mediator? Mindfulness, Reflection and Presence*, ACRESOLUTION, Fall 2005, at 12–15.

40. ELLEN J. LANGER, MINDFULNESS 9 (1983).

The **Center for Mindfulness in Medicine, Health Care, and Society** at the University of Massachusetts Medical School provides training in mindfulness for a wide range of organizations, operates a stress and pain reduction clinic, and conducts research on the effects of mindfulness practices. Saki Santorelli, Director, Center for Mindfulness in Medicine, Health Care, and Society, Department of Medicine, University of Massachusetts Medical School, 55 Lake Avenue North, Worcester, MA 01655; Tel: 508/856-5493; Fax: 508/856-1977; <http://www.umassmed.edu/cfm>.

Forest Way Insight Meditation Center, P.O. Box 491, Ruckersville, VA 22968. Offers insight meditation retreats. Tel: 804/990-9300; Fax: 804/990-9301; Email: forestway@cstone.net; Web site: www.forestway.org.

Insight Meditation Society, 1230 Pleasant Street, Barre, MA 01005; Tel: 978/355-4378; <http://www.dharma.org>.

Mid-America Dharma Group. Includes information or links to information about retreats and sitting groups across the U.S. and Canada, <http://www.midamericadharma.org>.

Spirit Rock Meditation Center, 5000 Sir Francis Drake Blvd, P.O. Box 169 Woodacre, CA 94973; Tel: 415/488-0164; Fax: 415/488-017.

Website maintained by Steven Keeva, author of the book *Transforming Practices: Finding Joy and Satisfaction in the Legal Life*, <http://www.transformingpractices.com>.

Vipassana Meditation Centers operated by S.N. Goenka and his assistants around the world, <http://www.dhamma.org>.

Shinzen Young (insight meditation teacher), www.shinzen.org.

Inquiring Mind, the Quarterly Journal of the Vipassana Community. Excellent listing of insight meditation retreats and sitting groups, www.inquiringmind.org.

Books and Articles

BRINGING PEACE INTO THE ROOM: HOW THE PERSONAL QUALITIES OF THE MEDIATOR IMPACT THE PROCESS OF CONFLICT RESOLUTION (Daniel Bowling & David Hoffman eds., Jossey-Bass 2003).

MARK EPSTEIN, THOUGHTS WITHOUT A THINKER: PSYCHOTHERAPY FROM A BUDDHIST PERSPECTIVE (Basic Books 1995).

MARK EPSTEIN, GOING TO PIECES WITHOUT FALLING APART: A BUDDHIST PERSPECTIVE ON WHOLENESS (Broadway 1998).

DANIEL GOLEMAN, EMOTIONAL INTELLIGENCE: WHY IT CAN MATTER MORE THAN IQ (Bantam 1995).

- DANIEL GOLEMAN, *WORKING WITH EMOTIONAL INTELLIGENCE* (Bantam 1998).
- JOSEPH GOLDSTEIN, *INSIGHT MEDITATION: THE PRACTICE OF FREEDOM* (Shambhala 1994) (*Highly recommended for basic introduction to mindfulness.*)
- HENEPOLA GUNARATANA, *MINDFULNESS IN PLAIN ENGLISH* (Wisdom 1992) (*Highly recommended for basic introduction to mindfulness.*)
- THICH NHAT HANH, *THE MIRACLE OF MINDFULNESS* (1999).
- PHIL JACKSON & HUGH DELEHANTY, *SACRED HOOPS: SPIRITUAL LESSONS OF A HARDWOOD WARRIOR* (Hyperion 1995).
- PHIL JACKSON & CHARLEY ROSEN, *MORE THAN A GAME* (2001).
- JON KABAT-ZINN, *FULL CATASTROPHE LIVING: USING THE WISDOM OF YOUR MIND TO FACE STRESS, PAIN & ILLNESS* (Delta 1990).
- JON KABAT-ZINN, *WHEREVER YOU GO, THERE YOU ARE: MINDFULNESS IN EVERYDAY LIFE* (Hyperion 1994). (*Highly recommended for basic introduction to mindfulness.*)
- JON KABAT-ZINN, *COMING TO OUR SENSES: HEALING OURSELVES AND THE WORLD THROUGH MINDFULNESS* (Hyperion 2005).
- STEVEN KEEVA, *TRANSFORMING PRACTICES: BRINGING JOY AND SATISFACTION TO THE LEGAL LIFE* (Transaction Books, 1999).
- Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students and Lawyers and their Clients*, 7 HARV. NEG. L. REV. 1–66 (June 2002) (the centerpiece of a Symposium on Mindfulness in Law and ADR). A webcast of the live symposium held at Harvard Law School in March 2002 is available at http://www.pon.harvard.edu/news/2002/riskin_mindfulness.php3.
- Leonard L. Riskin, *Mindfulness: Foundational Training for Dispute Resolution*, 54 J. LEGAL EDUC. 79–91 (2004).
- Leonard L. Riskin, *Knowing Yourself: Mindfulness*, in *THE NEGOTIATOR'S FIELDBOOK* (Christopher Honeyman & Andrea K. Schneider, eds., 2006).
- ZINDEL V. SEGAL, J. MARK G. WILLIAMS & JOHN D. TEASDALE, *MINDFULNESS-BASED COGNITIVE THERAPY FOR DEPRESSION: A NEW APPROACH TO PREVENTING RELAPSE* (Guilford 2002).
- SAKI SANTORELLI, *HEAL THY SELF: LESSONS ON MINDFULNESS IN MEDICINE* (Bell Tower, 1999).
- BREATH SWEEPS MIND: A FIRST GUIDE TO MEDITATION PRACTICE* (Jean Smith ed., Tricycle 1999).
- ECKHART TOLLE, *THE POWER OF NOW* (New World Library 1999).

Audiotapes and Videotapes

The DHARMA SEED TAPE LIBRARY, <http://www.dharmaseed.org/>, offers a variety of audiotapes and videotapes, including some intended for beginners.

MINDFULNESS MEDITATION PRACTICE TAPES with Jon Kabat-Zinn, Saki Santorelli, Melissa Blacker, Florence Meyer, and others are available through <http://www.umassmed.edu/cfm>.