

CALMING DOWN AND WAKING UP: AN EMPIRICAL STUDY OF THE EFFECTS OF MINDFULNESS TRAINING ON LAW STUDENTS

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This Article discusses efforts to address directly the crisis in the mental health and well-being of law students by providing training in mindfulness. It describes an empirical study of three offerings of mindfulness training at a law school and reports its results in reducing law students' stress ("calming down") and providing other benefits, such as increased self-awareness ("waking up") and its corollaries in various aspects of emotional, personal, and interpersonal well-being. Key findings include positive benefits in: lowering perceived stress and reactivity to triggers causing stress; increasing self-reported focus and concentration; improving the ability to reframe one's outlook (and thus resilience); increasing self-compassion and self-acceptance (thereby taming the severe "inner critic" prevalent in many high-achieving law students and lawyers); and strengthening students' mindfulness generally, which has been shown in research from other fields to positively affect many dimensions of health and well-being. The Article explores how these specific benefits support important lawyering skills and competencies that are needed in contemporary legal practice.

TABLE OF CONTENTS

INTRODUCTION	278
I. THE STRESSFUL LIFE IN LAW SCHOOL	280
A. <i>Critical Challenges in Legal Education: Mental Health and Substance Use Among Law Students and Lawyers</i>	280
B. <i>The Potential for Mindfulness to Address These Problems</i>	283
II. OUR STUDY OF THE IMPACT OF MINDFULNESS ON LAW STUDENTS ...	285
A. <i>Impetus for Our Study</i>	285
B. <i>Key Variables Measured by Our Study</i>	286
III. METHODS	289
A. <i>Participants</i>	289

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278	NEVADA LAW JOURNAL	[Vol. 21:1
	B. <i>Interventions</i>	290
	C. <i>Measures and Procedure</i>	291
IV.	RESULTS.....	294
	A. <i>Quantitative Results</i>	294
	B. <i>Qualitative Results, Sample A</i>	297
	C. <i>Qualitative Results, Sample B</i>	299
V.	DISCUSSION	302
	A. <i>Outcomes of Our Study</i>	302
	B. <i>Relevance of Study Outcomes to the Skills and Traits of Competent Lawyers</i>	304
	1. <i>Lowering Stress and Increasing Focus</i>	304
	2. <i>Reappraisal and Resilience</i>	307
	3. <i>Mindfulness/Nonjudging/Nonreactivity</i>	308
	4. <i>Self-Compassion</i>	311
	5. <i>Self-Acceptance and Personal Growth</i>	314
	C. <i>Future Directions in Teaching and Research</i>	316
	1. <i>Teaching</i>	316
	2. <i>Research</i>	320
VI.	LIMITATIONS.....	322
	CONCLUSION	322

INTRODUCTION

“Addressing mental health issues today within our communities will not only make us happier and healthier individuals, but also better students and members of the legal profession.”—From pledge by law student representatives of 13 top-20 law schools to improve the mental health of their campuses.¹

The current crisis in the mental health of lawyers and law students has gained national attention.² This Article will discuss the efforts of one law school to address this crisis by offering training in mindfulness practices to law students. It will describe an Institutional Review Board (IRB)-approved study

¹ The law students’ pledge may be found in Letter from Daniel Sperling, President, Cornell L. Students Ass’n, et al. to Law School Communities, <https://images.law.com/contrib/content/uploads/documents/292/LawSchoolsMHPLedger-1-copy.pdf> [<https://perma.cc/4JGE-9R4F>] (commenting that “[p]oor student or practitioner health is not a necessary byproduct of a rigorous legal education and needs to be treated as the scourge of the profession that it is” and committing “to fight for a better mental health environment in the legal education community.”); see Stephanie Francis Ward, *Students at Top Law Schools Ask for More Mental Health Support*, A.B.A.J. (Jan. 3, 2018, 8:00 AM), http://www.abajournal.com/news/article/students_at_top_law_schools_ask_for_more_mental_health_supports [<https://perma.cc/2BZS-TKWS>] (discussing adoption of the students’ pledge).

² See *infra* notes 5–21 and accompanying text.

of three mindfulness training programs that were undertaken in 2018 and 2019. Overall, the study shows that the mindfulness training was beneficial in reducing law students' perceived stress and increasing their well-being.

One of the authors (Scott) heard a mindfulness teacher once say of teaching people about mindfulness practices that “you need to calm them down before you can wake them up.”³ “Calming down” is perhaps the most popular image of what mindfulness offers: stress reduction. “Waking up” reflects the broader and deeper benefits of mindfulness: increased self-awareness and its corollaries in many aspects of emotional, personal, and interpersonal well-being. These benefits include a stronger ability to focus and increases in positive emotions, emotion regulation, self-compassion, self-acceptance, and personal growth.⁴

³ Said by Pamela Weiss during a session of the “Mindfulness in Law Teacher Training Program” offered in 2016 by Warrior One, LLC. See *2020 Teacher Training*, WARRIOR ONE, <https://warriorone.com/mindfulness-in-law-teacher-training> [<https://perma.cc/FUT7-92Z2>] (describing this teacher training program). For a dharma talk that Weiss gave on this topic, see Pamela Weiss, *Calm Down, Wake Up, Engage*, GAY BUDDHIST FELLOWSHIP NEWSLETTER, Winter 2017, at 1, 1–5, [http://gaybuddhist.org/archive/2017.4%20\[Winter\]%20Pamela%20Weiss%20\(Calm%20Down,%20Wake%20Up,%20Engage\).pdf](http://gaybuddhist.org/archive/2017.4%20[Winter]%20Pamela%20Weiss%20(Calm%20Down,%20Wake%20Up,%20Engage).pdf) [<https://perma.cc/6CSB-ADT6>].

⁴ According to Jon Kabat-Zinn—an internationally respected author, speaker, and teacher of mindfulness, who is considered a foremost leader in bringing the teaching of mindfulness from its origins in Buddhist teaching to the Western world—“waking up” (becoming more self-aware) is at the core of mindfulness and flows from the meditative practices that train someone to pay close attention to one’s thoughts, feelings, and physical sensations in the present moment:

Mindfulness means paying attention in a particular way: on purpose, in the present moment, and nonjudgmentally. This kind of attention nurtures greater awareness, clarity, and acceptance of present-moment reality. It *wakes us up* to the fact that our lives unfold only in moments. If we are not fully present for many of those moments, we may not only miss what is most valuable in our lives but also fail to realize the richness and the depth of our possibilities for growth and transformation.

JON KABAT-ZINN, *WHEREVER YOU GO THERE YOU ARE: MINDFULNESS MEDITATION IN EVERYDAY LIFE 4* (10th anniversary ed., Hachette Books, 2014) (1994) (emphasis added); see Biography of Jon Kabat-Zinn, UMASS PROFILES: RESEARCH NETWORKING SOFTWARE, <https://profiles.umassmed.edu/display/130749> [<https://perma.cc/6TPQ-VXRC>]. “Waking up” is called “awakening” to all of one’s senses in the present moment in Buddhist thought, and mindfulness is considered the path to awakening by which one might achieve self-awareness, insight, and wisdom:

Strictly speaking, the application of mindfulness gives rise to awareness. The greater and the more stable the mindfulness, the greater the awareness and penetrative insight that may stem from it. . . . [The Buddha described himself] simply as ‘awake.’ . . . [W]akefulness followed directly from his experience of seeing deeply into the human condition and human suffering and his discovery that it was possible to break out of seemingly endless cycles of self-delusion, misperception, and mental affliction to an innate freedom, equanimity, and wisdom.

JON KABAT-ZINN, *COMING TO OUR SENSES: HEALING OURSELVES AND THE WORLD THROUGH MINDFULNESS* 110, 112–13 (2005). The cultivation of self-awareness is thus foundational to mindfulness practice, and it is also a core tenet of the legal profession. See RANDALL KISER, *SOFT SKILLS FOR THE EFFECTIVE LAWYER* 87 (2017) (“The Model Rules of Professional Conduct and the Fundamental Values of the Profession require attorneys to be self-aware – constantly alert to mental and physical conditions that may impede or impair attorneys’

This Article will present the results of our empirical study and will explore how the study's evidence of "calming down" and "waking up" among law students learning mindfulness practices supports their professional competence.

Part I will review the literature on the current health crises in legal education and the legal profession and how mindfulness education in law schools could help to address it. Parts II, III, and IV will describe the design of our empirical study of the effects of mindfulness training on law students, our methods, and the study's quantitative and qualitative results. Part V will discuss the study's outcomes and its implications for legal education and the legal profession and will offer possible directions for teaching and research in the future. Part VI will identify some limitations of the study. In Part VII, we will conclude that mindfulness education would support law students' health and well-being and should be offered as part of their professional education to become competent lawyers.

I. THE STRESSFUL LIFE IN LAW SCHOOL

A. *Critical Challenges in Legal Education: Mental Health and Substance Use Among Law Students and Lawyers*

"Research suggests that law students are among the most dissatisfied, demoralized, and depressed of any graduate student population."—National Task Force on Lawyer Well-Being⁵

Findings from a recent Survey of Law Student Well-Being (SLSWB) showed disturbing rates of mental health problems and substance use among law students.⁶ Among the over 3,000 law students participating in the study, 37 percent screened positive for anxiety (of which 23 percent screened positive for mild to moderate anxiety and 14 percent for severe anxiety),⁷ and 17 percent screened positive for depression.⁸ Twenty-seven percent of the respondents screened positive for an eating disorder,⁹ and six percent said that they had

performance and, specifically, 'the lawyer's ability to represent the client.'" (quoting MODEL RULES OF PRO. CONDUCT r. 1.16 (AM. BAR ASS'N 2020))).

⁵ NAT'L TASK FORCE ON LAW. WELL-BEING, *THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE* 35 (2017) [hereinafter NATIONAL TASK FORCE REPORT], <https://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf> [<https://perma.cc/3FCW-UUGX>].

⁶ Jerome M. Organ et al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 144–45 (2016) (summarizing SLSWB survey results on alcohol use, drug use, and mental health among law students which "should be a wakeup call to law schools and those involved with legal education and admission to the legal profession.").

⁷ *Id.* at 137.

⁸ *Id.* at 136.

⁹ *Id.* at 138.

seriously thought about suicide in the last 12 months.¹⁰ With respect to alcohol use, 53 percent of the law-student respondents reported drinking enough in the past 30 days to get drunk, 43 percent reported binge drinking at least once in the prior two weeks, and 22 percent reported binge drinking two or more times in the prior two weeks.¹¹ Fourteen percent reported using prescription drugs without a prescription in the last 12 months,¹² and when coupled with the illegal use of non-prescription drugs, the number rises to 32 percent among law-student respondents.¹³

Also troublesome were the SLSWB findings that law students were very reluctant to get help for these mental health and substance-use concerns.¹⁴ Factors that discouraged law students from seeking help for alcohol or drug use included potential threats to bar admission (63 percent of respondents identified this factor) and potential threats to job or academic status (62 percent).¹⁵ These factors also discouraged them from seeking help for mental health concerns.¹⁶ Other studies of law-student well-being have reported similar (and long-standing) concerns about the mental health of law students.¹⁷

¹⁰ *Id.* at 139.

¹¹ *Id.* at 128–30. “Binge drinking” was indicated by consuming five or more drinks for men and four or more drinks for women in one sitting. *Id.* at 128 n.60.

¹² *Id.* at 134–35 (prescription drugs used without a prescription included stimulants (nine percent) and pain medication and sedatives/anxiety medication (four percent)).

¹³ *Id.* at 145 (adding the use of marijuana and cocaine in previous year).

¹⁴ *Id.* (observing that despite “many respondents indicat[ing] that they would benefit from help for substance use issues or for mental health concerns, significant majorities of those most in need of help [were] unlikely to seek help”). NATIONAL TASK FORCE REPORT, *supra* note 5, at 35 (observing that “[e]qually worrisome is students’ level of reluctance to seek help for those issues.”). Practicing lawyers are also prone to delay mental health assistance, exacerbating the problems. *Id.* at 13.

Research also suggests that professionals with hectic, stressful jobs (like many lawyers and law students) are more likely to perceive obstacles for accessing treatment, which can exacerbate depression. The result of these barriers is that, rather than seeking help early, many wait until their symptoms are so severe that they interfere with daily functioning.

Id.

¹⁵ Organ et al., *supra* note 6, at 141. Other factors that respondents said were discouraging them from seeking help for alcohol or drug use were social stigma (43 percent), privacy concerns (43 percent), financial reasons (41 percent), the belief that they could handle the problem themselves (39 percent), and not having the time (36 percent). *Id.*

¹⁶ *Id.* Law-student respondents identified potential threat to job or academic success (48 percent) and potential threat to bar admissions (45 percent) as factors discouraging seeking help for mental health concerns. *Id.* Other factors were social stigma (47 percent), financial reasons (47 percent), the belief that they could handle the problem themselves (36 percent), not having enough time (34 percent), and privacy concerns (30 percent). *Id.*

¹⁷ See, e.g., JESSIE AGATSTEIN ET AL., YALE L. SCH. MENTAL HEALTH ALL., FALLING THROUGH THE CRACKS: A REPORT ON MENTAL HEALTH AT YALE LAW SCHOOL 3 (2014), https://law.yale.edu/sites/default/files/area/departments/studentaffairs/document/falling_through_the_cracks.pdf [<https://perma.cc/4VMK-AG9U>] (finding that 70 percent of almost 300 law student respondents “reported experiencing mental health challenges during law school” and that “students . . . feared exclusion and stigma from a variety of sources, including state bar associations, faculty, administrators, and peers”); G. Andrew H. Benjamin et al., *The Role of*

Unfortunately, the outlook for law students is hardly better once they enter law practice. A recent survey of over 12,000 practicing attorneys found that 20.6 percent screened positive for hazardous and potentially alcohol-dependent drinking.¹⁸ It also found significant levels of depression (28 percent of respondents screened positive for depression), anxiety (19 percent), and stress (23 percent).¹⁹ The results of the respondents' self-reports of experiencing past mental health concerns over the course of their legal career were even higher: anxiety (61.1 percent), depression (45.7 percent), and suicidal thoughts (11.5 percent).²⁰ The biggest barriers to seeking mental health help were not wanting others to find out they needed help and concerns about privacy or confidentiality.²¹

The Co-Chairs of the National Task Force on Lawyer Well-Being (hereinafter "National Task Force") concluded from this research "that too many lawyers and law students experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers' basic competence."²² This Article explores one approach—mindfulness training—that law schools can readily offer to law students to begin to address these problems before the students enter the legal profession, as well as during their professional careers.

Legal Education in Producing Psychological Distress Among Law Students and Lawyers, 1986 AM. BAR FOUND. RSCH. J. 225, 246 (finding from authors' empirical study that during the first to third years of law school, law students experienced significantly elevated symptoms of "obsessive-compulsive behavior, interpersonal sensitivity, depression, anxiety, hostility, phobic anxiety, paranoid ideation, and psychoticism (social alienation and isolation)"); Matthew M. Dammeyer & Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 LAW & HUM. BEHAV. 55, 63, 67 (1999) (reviewing literature that suggested self-reports of depression and anxiety were significantly higher for law students than for general public or medical students); Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & L. 261, 272, 278, 283 (2004) (reporting results of two empirical studies consistent with previous research showing decline in law students' subjective well-being during first year of school).

¹⁸ Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 51 (2016).

¹⁹ *Id.*

²⁰ *Id.* at 50.

²¹ *Id.* Similar data have been collected for lawyers and law students in England and Wales. See JUNIOR LAWS. DIV. OF THE L. SOC'Y OF ENG. & WALES, RESILIENCE AND WELLBEING SURVEY 2019: SURVEY REPORT 3, 6, 12 (2019), <https://communities.lawsociety.org.uk/Uploads/b/y/k/resilience-wellbeing-survey-report-2019.pdf> [https://perma.cc/Q7AP-7MED] (finding that 74 percent of respondents had experienced stress at work in the last month, 24.8 percent described their level of stress as severe/extreme, and 19 percent had felt unable to cope as a result of stress).

²² NATIONAL TASK FORCE REPORT, *supra* note 5, at 1.

B. The Potential for Mindfulness to Address These Problems

One popular intervention to counter the negative effects of stressful events and build stress resilience (“calming down”) is training in mindfulness. “[M]indfulness has been described as a kind of nonelaborative, nonjudgmental, present-centered awareness in which each thought, feeling, or sensation that arises in the attentional field is acknowledged and accepted as it is.”²³ Mindfulness is thus a form of self-awareness (“waking up”): a recognizing of automatic habits and automatic patterns of reactivity, as well as an increased awareness of momentary states of body and mind.²⁴ Mindfulness is typically trained using meditation and other contemplative exercises, most often in group settings and over the course of several (often eight) weeks, with participants encouraged to maintain a daily meditation practice.²⁵

It is becoming increasingly clear that mindfulness and meditation have mostly beneficial effects on the mind, brain, and life.²⁶ These effects are broadly distributed, with positive impact on variables as diverse as stress, attention, positive and negative emotions, well-being, emotion regulation, empathy, anxiety, and neuroticism, among others.²⁷ Mindfulness appears to be the crucial factor here, given that changes in mindfulness after meditation training correlate with changes in self-perceived stress (average $r = .54$),

²³ Scott R. Bishop et al., *Mindfulness: A Proposed Operational Definition*, 11 CLINICAL PSYCH.: SCI. & PRAC. 230, 232 (2004).

²⁴ See *supra* note 4.

²⁵ See Ctr. for Mindfulness, *MBSR 8-Week Online Live*, UMASSMEMORIAL MED. CTR., <https://www.umassmemorialhealthcare.org/umass-memorial-medical-center/services-treatments/center-for-mindfulness/mindfulness-programs/mbsr-8-week-online-live> [perma.cc/DJN4-N2QX]. Jon Kabat-Zinn is the MBSR program founder and creator of the MBSR curriculum, which is explained fully in the first ten chapters of JON KABAT-ZINN, *FULL CATASTROPHE LIVING: USING THE WISDOM OF YOUR BODY AND MIND TO FACE STRESS, PAIN, AND ILLNESS* 3–165 (rev. ed. 2013) (program schedule for eight-week MBSR curriculum at pp. 159–64).

²⁶ For meta-analyses of studies on the beneficial effects of mindfulness, see, for example, Juliane Eberth & Peter Sedlmeier, *The Effects of Mindfulness Meditation: A Meta-Analysis*, 3 MINDFULNESS 174 (2012); Peter Sedlmeier et al., *The Psychological Effects of Meditation: A Meta-Analysis*, 138 PSYCH. BULL. 1139 (2012); PAUL VERHAEGHEN, *PRESENCE: HOW MINDFULNESS AND MEDITATION SHAPE YOUR BRAIN, MIND, AND LIFE* (2017). For a critical review of mindfulness research, see Nicholas T. Van Dam et al., *Mind the Hype: A Critical Evaluation and Prescriptive Agenda for Research on Mindfulness and Meditation*, 13 PERSPS. ON PSYCH. SCI. 36 (2017).

²⁷ VERHAEGHEN, *supra* note 26, at 126–44 (reviewing this extensive research on effects of meditation and mindfulness on emotional, personal, and interpersonal aspects of well-being). Verhaeghen summarizes as follows:

Mindfulness seems to have a positive impact on just about any psychological variable we (as a field) have looked at—it makes you less stressful, boosts your immune function, makes you less anxious and less depressed, dampens your negative emotions, amplifies your positive emotions, helps regulate your emotions . . . makes you more mindful, strengthens your self-concept, and makes you more empathetic and compassionate. (Plus it helps with attention too.)

Id. at 136.

anxiety (average $r = .51$), depressed mood (average $r = .62$), positive affect (average $r = .26$), negative affect (average $r = .14$), rumination (average $r = .36$), and general well-being (average $r = .35$).²⁸

Many models have been advanced to explain the translation of mindfulness into positive outcomes.²⁹ The main claim in these models is that the self-awareness brought on by mindfulness training likely leads to changes in self-regulation, which might include better regulation of emotions, heightened self-compassion, and increased emotional and cognitive flexibility. It is thought that this self-regulation ultimately leads to the changes in different aspects of psychological well-being as described above.³⁰

Mindfulness interventions have been applied to college populations, with encouraging results. One meta-analysis concluded that mindfulness training has a relatively large positive effect (0.7 standard deviations) on anxiety.³¹ One

²⁸ All correlations derive from meta-analyses in VERHAEGHEN, *supra* note 26, at 140. A Pearson correlation (denoted by the symbol r) is a measure of linear association and varies from -1 (perfectly negative association) over 0 (no association) to 1 (perfectly positive association). See JACOB COHEN, *STATISTICAL POWER ANALYSIS FOR THE BEHAVIORAL SCIENCES* 79–80 (2d ed. 1988). Within psychology, absolute correlations of .10 are considered to indicate a small association, .30 a moderate association, and .50 a large association. *Id.* The correlations mentioned here thus vary from small (well-being) to large (stress, anxiety, and mood). They indicate that individuals who have larger increases in mindfulness after training experience less stress, anxiety, depressed mood, negative affect, and rumination, and experience more positive affect and well-being.

²⁹ See, e.g., Ruth A. Baer, *Mindfulness Training as a Clinical Intervention: A Conceptual and Empirical Review*, 10 *CLINICAL PSYCH.: SCI. & PRAC.* 125 (2003); Kirk Warren Brown et al., *Mindfulness: Theoretical Foundations and Evidence for Its Salutary Effects*, 18 *PSYCH. INQUIRY* 211 (2007); Alberto Chiesa & Alessandro Serretti, *Are Mindfulness-Based Interventions Effective for Substance Use Disorders? A Systematic Review of the Evidence*, 49 *SUBSTANCE USE & MISUSE* 492 (2014); J. David Creswell & Emily K. Lindsay, *How Does Mindfulness Training Affect Health? A Mindfulness Stress Buffering Account*, *CURRENT DIRECTIONS PSYCH. SCI.* 401 (2014); Andrea D. Grabovac et al., *Mechanisms of Mindfulness: A Buddhist Psychological Model*, 2 *MINDFULNESS* 154 (2011); Britta K. Hölzel et al., *Mindfulness Practice Leads to Increases in Regional Brain Gray Matter Density*, 191 *PSYCHIATRY RSCH.: NEUROIMAGING* 36 (2011); ZINDEL V. SEGAL ET AL., *MINDFULNESS-BASED COGNITIVE THERAPY FOR DEPRESSION* (2d ed. 2013); Shauna L. Shapiro et al., *Mechanisms of Mindfulness*, 62 *J. CLINICAL PSYCH.* 373 (2006); David R. Vago & David A. Silbersweig, *Self-Awareness, Self-Regulation, and Self-Transcendence (S-ART): A Framework for Understanding the Neurobiological Mechanisms of Mindfulness*, 6 *FRONTIERS HUM. NEUROSCIENCE* 1 (2012).

³⁰ VERHAEGHEN, *supra* note 26, at 138–42, 141 (observing that “[t]aken together, the results [of research on effects of mindfulness on well-being] strongly speak for a model in which mindfulness practice leads to an increase in trait mindfulness, which then in turn leads to changes in well-being.”); see *infra* notes 99–101 and accompanying text.

³¹ Cheryl Regehr et al., *Interventions to Reduce Stress in University Students: A Review and Meta-Analysis*, 148 *J. AFFECTIVE DISORDERS* 1, 7 (2013). The standard deviation is the most common statistical measure of dispersion. See COHEN, *supra* note 28, at 24–27. In meta-analysis, which brings together results from many studies, the difference between two groups (here: individuals trained in mindfulness vs. individuals not trained in mindfulness) is often described in standard deviation units. Conventionally, a difference of 0.20 standard deviation units is considered small, 0.50 is considered medium, and 0.80 is considered large. *Id.*

review of 57 studies on the effectiveness of mindfulness meditation in reducing stress and anxiety in college students concluded that mindfulness interventions significantly reduced stress and anxiety in this population.³² One large-scale study conducted at Cambridge University showed significant effects (0.44 standard deviations) on distress during the final exam period, with larger effects for those students who reported experiencing more stress.³³

In recent years there have been increasing calls for incorporating mindfulness training in legal education.³⁴ To date, however, there has been little empirical work about the impact of mindfulness training on law students and lawyers. One study of the effects of mindfulness training for first-year law students recently reported encouraging results in terms of stress, well-being, and mindfulness awareness.³⁵ An as-yet unpublished study of lawyers who received an eight-week online mindfulness training also found a beneficial impact.³⁶ Our study aims to contribute to what we hope will be a growing body of empirical work on the impact of mindfulness training on law students.

II. OUR STUDY OF THE IMPACT OF MINDFULNESS ON LAW STUDENTS

A. *Impetus for Our Study*

One author (Scott) has been co-teaching annual six- to eight-week training programs at the Georgia State University College of Law (Georgia State Law) since 2016 with a certified Mindfulness-Based Stress Reduction (MBSR) instructor.³⁷ The training has been modeled on the MBSR curriculum, which is

³² Mandy D. Bamber & Joanne Kraenzle Schneider, *Mindfulness-Based Meditation to Decrease Stress and Anxiety in College Students: A Narrative Synthesis of the Research*, 18 EDUC. RSCH. REV. 1, 28 (2016) (stating that “[m]ost researchers reported significant decreases in stress and anxiety suggesting that MBSR and [mindfulness meditation] were successful in reducing college students’ perceived stress and anxiety.”).

³³ Julieta Galante et al., *A Mindfulness-Based Intervention to Increase Resilience to Stress in University Students (the Mindful Student Study): A Pragmatic Randomised Controlled Trial*, 3 LANCET PUB. HEALTH e72, e77 (2018).

³⁴ See *infra* notes 144–55 and accompanying text (identifying courses in law schools that incorporate mindfulness concepts and practices and scholars who advocate for more mindfulness training in legal education).

³⁵ Richard C. Reuben & Kennon M. Sheldon, *Can Mindfulness Help Law Students with Stress, Focus, and Well Being? An Empirical Study of 1Ls at a Midwestern Law School*, 48 SW. L. REV. 241, 253 (2019).

³⁶ John Paul Minda et al., *Mindfulness and Legal Practice: A Preliminary Study of the Effects of Mindfulness Meditation and Stress Reduction in Lawyers* 10 (July 2, 2018) (unpublished manuscript), <https://psyarxiv.com/6zs5g/> [<https://perma.cc/4NVG-EMVF>] (finding, *inter alia*, a 22.73 percent reduction in perceived stress; 15.61 percent increase in aspects of mindfulness; and decreases in depression scores (28.84 percent), anxiety scores (30.29 percent), and stress scores (32.45 percent)).

³⁷ Helen B. Vantine, Ph.D., is the founder of the Atlanta Mindfulness Institute and is a certified MBSR instructor. See *Certified Mindfulness Experts*, ATLANTA MINDFULNESS INST., <https://www.atlantamindfulness.com/about/> [<https://perma.cc/QZ46-4PYW>]. Lineliz Vassallo taught the initial, pilot four-week law school program in fall 2015 with Scott. Scott

considered a standard mindfulness intervention.³⁸ The training programs have been voluntary, open to all enrolled law students, offered annually in the fall semesters (and once in spring semester 2016) and not for academic credit, and six to eight weeks in duration depending on the year offered. The programs have been popular, with student enrollments varying between around 35 and 80 law students depending on the year and semester that they were offered. Most students have enrolled while in their first year of law school studies.

In light of the popularity of these programs and the positive written evaluations and informal feedback that students have provided after each program, the authors decided to test empirically the impact that mindfulness training might have on law students' stress and psychological well-being. This study includes pre- and post-test results for three interventions. Two of the interventions consisted of six-week training programs in fall 2018 and fall 2019 (the "fall programs"). The third was a more intensive training program offered in connection with a professional responsibility course in summer 2018 (the "summer course").

This research study was approved by the Institutional Review Boards (IRB) of Georgia State University and the Georgia Institute of Technology (Georgia Tech). Students were recruited through emails, announcements in the law school's communications, and in-person presentations explaining the research study. Students gave online written informed consent to participate in this research study before the training programs began and before they could undertake the online pre-training questionnaires. The Georgia State Law researcher (Scott) was an instructor in all three training programs. Although she knew the identities of the students who participated in these trainings, she did not know the identities of the students who had opted to participate in the research study. The Georgia Tech researcher (Verhaeghen) did not participate in the trainings, and he compiled the data from the pre- and post-training questionnaires and conducted the qualitative interviews with the law students who volunteered to be interviewed.

B. Key Variables Measured by Our Study

Given the high levels of stress and other mental health concerns reported among law students and lawyers,³⁹ our main outcome variables of interest concern measures of psychological welfare, broadly construed. The first variable concerns self-perceived stress, measured by the Perceived Stress Scale

and Vassallo have been formally qualified to teach MBSR programs by the U.C.-San Diego Center for Mindfulness's Mindfulness-Based Professional Training Institute. *MBSR Teacher Qualification and Certification*, UCSD CTR. FOR MINDFULNESS, <https://mbpti.org/programs/mbsr/mbsr-teacher-certification/> [<https://perma.cc/25BM-8MRF>].

³⁸ See *supra* note 25 and accompanying text.

³⁹ See *supra* notes 5–21.

(PSS)⁴⁰ and the Stress subscale of the Depression Anxiety Stress Scales (DASS).⁴¹ The second is psychological well-being; select subscales of Ryff's Psychological Well-Being Scale (PWBS) were used to tap this variable.⁴² The third outcome concerns mood. This variable was tapped at the level of psychological symptoms of depression and anxiety (measured by the corresponding subscales of the DASS), as well as at the level of transient moods as measured by the Positive and Negative Affect Schedule (PANAS).⁴³ Symptoms of mood disorder are often the intended target of mindfulness interventions. For example, mindfulness-based cognitive therapy explicitly targets depression relapse.⁴⁴

A second set of measures pertains to the self-regulation mechanism. Self-control has been defined as "exertion of control over the self by the self" by "overriding or inhibiting competing urges, behaviors, or desires," in order to "maximize the long-term best interests of the individual."⁴⁵ A first aspect of this is emotion regulation, measured here by the Emotion Regulation Questionnaire (ERQ).⁴⁶ Emotion regulation is the ability to respond to a situation with a range of emotions that is socially acceptable, as well as the ability to delay one's spontaneous emotional responses as needed. The ERQ taps into the mechanisms of cognitive reappraisal (i.e., re-evaluating a difficult

⁴⁰ Sheldon Cohen et al., *A Global Measure of Perceived Stress*, 24 J. HEALTH & SOC. BEHAV. 385, 385 (1983) (stating that "[t]he PSS measures the degree to which situations in one's life are appraised as stressful."); see *infra* note 66 and accompanying text.

⁴¹ P. F. Lovibond & S. H. Lovibond, *The Structure of Negative Emotional States: Comparison of the Depression Anxiety Stress Scales (DASS) with the Beck Depression and Anxiety Inventories*, 33 BEHAVIOUR RSCH. & THERAPY 335, 336 (1995); see *infra* note 67 and accompanying text.

⁴² Carol D. Ryff, *Happiness Is Everything, or Is It? Explorations on the Meaning of Psychological Well-Being*, 57 J. PERSONALITY & SOC. PSYCH. 1069, 1071–72 (1989) (defining six dimensions of well-being: self-acceptance, positive relations with others, autonomy, environmental mastery, purpose in life, and personal growth); Carol D. Ryff & Corey Lee M. Keyes, *The Structure of Psychological Well-Being Revisited*, 69 J. PERSONALITY & SOC. PSYCH. 719, 724 (1995) (restating these six factors of well-being as "positive self-regard, mastery of the surrounding environment, quality relations with others, continued growth and development, purposeful living, and the capacity for self-determination"); see *infra* note 63 and accompanying text.

⁴³ David Watson et al., *Development and Validation of Brief Measures of Positive and Negative Affect: The PANAS Scales*, 54 J. PERSONALITY & SOC. PSYCH. 1063, 1063 (1988) (stating that Positive Affect "reflects the extent to which a person feels enthusiastic, active, and alert," and that Negative Affect "subsumes a variety of aversive mood states, including anger, contempt, disgust, guilt, fear, and nervousness"); see *infra* note 65 and accompanying text.

⁴⁴ See SEGAL ET AL., *supra* note 29, at 15–17 (discussing depression as a chronic, relapsing condition); *id.* at 59–60 (identifying mindfulness-based cognitive therapy as an approach for addressing relapsing depression).

⁴⁵ Mark Muraven & Roy F. Baumeister, *Self-Regulation and Depletion of Limited Resources: Does Self-Control Resemble a Muscle?*, 126 PSYCH. BULL. 247, 247 (2000).

⁴⁶ James J. Gross & Oliver P. John, *Individual Differences in Two Emotion Regulation Processes: Implications for Affect, Relationships, and Well-Being*, J. PERSONALITY & SOC. PSYCH. 348, 350–51 (2003); see *infra* note 64 and accompanying text.

situation) and expressive suppression (i.e., toning down one's emotional reaction to a difficult situation).⁴⁷ Some studies have found that emotion regulation mediates the effects of mindfulness training on psychological well-being.⁴⁸

We included a second aspect of the self-regulation mechanism by using the short version of the Self-Compassion Scale (SCS).⁴⁹ Self-compassion implies taking a “warm and accepting stance towards those aspects of oneself and one's life that are disliked.”⁵⁰ A typical item on the SCS would be as follows: “I try to be understanding and patient towards those aspects of my personality I don't like,” or “When I'm going through a very hard time, I give myself the caring and tenderness I need.”⁵¹ Self-compassion has been shown to translate the effects of mindfulness training into psychological outcomes, such as improved well-being, increased resilience, and reduced depression and anxiety.⁵²

We measured mindfulness using the Five Facet Mindfulness Questionnaire (FFMQ).⁵³ In this scale, mindfulness is defined as the observing and describing

⁴⁷ *Id.* at 349.

⁴⁸ Kimberly A. Coffey & Marilyn Hartman, *Mechanisms of Action in the Inverse Relationship Between Mindfulness and Psychological Distress*, 13 *COMPLEMENTARY HEALTH PRAC. REV.* 79, 87 (2008) (examining emotion regulation, *inter alia*, as a potential mechanism “through which mindfulness might exert its beneficial effects on psychological distress”); Kimberly A. Coffey et al., *Deconstructing Mindfulness and Constructing Mental Health: Understanding Mindfulness and Its Mechanisms of Action*, 1 *MINDFULNESS* 235, 243 (2010) (discussing study results supporting that “[b]oth present-centered attention and acceptance of internal experience, collectively recognized as ‘mindfulness’ . . . contributed to clarity about one's internal experience, which in turn contributed to the ability to manage negative affect.”).

⁴⁹ Filip Raes et al., *Construction and Factorial Validation of a Short Form of the Self-Compassion Scale*, 18 *CLINICAL PSYCH. & PSYCHOTHERAPY* 250, 255 (2011); *see infra* note 61 and accompanying text.

⁵⁰ Kristin D. Neff et al., *An Examination of Self-Compassion in Relation to Positive Psychological Functioning and Personality Traits*, 41 *J. RSCH. PERSONALITY* 908, 909, 914 (2007) (reviewing studies finding “that self-compassion is a powerful predictor of mental health”; “is negatively associated with self-criticism, depression, anxiety, rumination, thought suppression, and neurotic perfectionism, while being positively associated with life satisfaction and social connectedness”; and has been “linked to intrinsic interest in learning and healthier coping strategies after failing an exam”; also finding in authors' study strong support that self-compassion predicts positive psychological strengths: “Approaching painful feelings with self-compassion is linked to a happier, more optimistic mindset, and appears to facilitate the ability to grow, explore, and wisely understand oneself and others.”).

⁵¹ Raes et al., *supra* note 49, at 255.

⁵² Angus MacBeth & Andrew Gumley, *Exploring Compassion: A Meta-Analysis of the Association Between Self-Compassion and Psychopathology*, 32 *CLINICAL PSYCH. REV.* 545, 550 (2012) (finding empirical evidence for theoretical models of compassion “that emphasize the importance of self-compassion for developing wellbeing, reducing depression and anxiety, and increasing resilience to stress”).

⁵³ Ruth A. Baer et al., *Construct Validity of the Five Facet Mindfulness Questionnaire in Meditating and Nonmeditating Samples*, 15 *ASSESSMENT* 329 (2008); *see infra* note 60 and accompanying text.

of experience, without judging, as well as acting with awareness and nonreactivity.⁵⁴

Additionally, we included a measure of empathy by using the Toronto Empathy Questionnaire.⁵⁵ We were interested in measuring empathy because to be competent lawyers, law students will need skills to develop appropriate and diverse interpersonal relationships (e.g., with clients, colleagues, opposing counsel, judges, etc.).⁵⁶

We used a simple design, measuring these aspects before and after each of the interventions among willing law-student volunteers. At the end of training, additional interviews were conducted (with students in Sample A from the summer 2018 program) and narrative comments collected (with students in Samples B from the two fall programs) to allow us to get a better idea of participants' own views of the effects and mechanisms of the intervention. We expected that the interventions would lead to enhanced mindfulness, stronger self-regulation, and increased well-being.

III. METHODS

A. *Participants*

Sample A consisted of seven participants (three women and four men, of whom two were Black and five were White; their average age was 29); all were

⁵⁴ *Id.* at 330. The authors define the five facets of mindfulness as follows:

Observing includes noticing or attending to internal and external experiences, such as sensations, cognitions, emotions, sights, sounds, and smells. *Describing* refers to labeling internal experiences with words. *Acting with awareness* includes attending to one's activities of the moment and can be contrasted with behaving mechanically while attention is focused elsewhere (often called *automatic pilot*). *Nonjudging of inner experience* refers to taking a nonevaluative stance toward thoughts and feelings. *Nonreactivity to inner experience* is the tendency to allow thoughts and feelings to come and go, without getting caught up in or carried away by them.

Id.

⁵⁵ R. Nathan Spreng et al., *The Toronto Empathy Questionnaire: Scale Development and Initial Validation of a Factor-Analytic Solution to Multiple Empathy Measures*, 91 J. PERSONALITY ASSESSMENT 62, 62 (2009) ("Empathy is an important component of social cognition that contributes to one's ability to understand and respond adaptively to others' emotions, succeed in emotional communication, and promote prosocial behavior."); *see id.* at 70–71 (Toronto Empathy Questionnaire items in Appendix); *infra* note 62 and accompanying text.

⁵⁶ Legal education and legal practice historically have not prioritized interpersonal skills like empathy. KISER, *supra* note 4, at 32–35 (comparing client-based and attorney-based surveys of lawyer competencies showing that "empathy" made the top ten list of lawyer competencies for clients but not for lawyers and observing that "[c]lients emphasize communication, while attorneys emphasize legal expertise; . . . clients appreciate empathy, compassion, and respect, but attorneys strive to be diligent, punctual, and technically proficient"); RONDA MUIR, *BEYOND SMART: LAWYERING WITH EMOTIONAL INTELLIGENCE* 51–68 (2017) (discussing four components of emotional intelligence where lawyers fall short: emotional perception, emotional empathy, emotional understanding, and emotional regulation).

students at Georgia State Law who had completed their first year of law school, who participated in the summer 2018 course on professional responsibility, and who completed both the pre-test and post-test measures (three additional participants completed only the pre-test). Sample B consisted of 23 participants (12 women, ten men, and one person who did not answer this question, of whom one was Asian, three were Black, two were Hispanic, and 17 were White; their average age was 24); all were students at Georgia State Law who participated in the fall 2018 and 2019 programs (11 additional participants completed only the pre-test).

Participants were volunteers who became eligible to receive a \$20 gift certificate upon completion of both the pre- and post-training surveys.

B. Interventions

The two fall programs (Sample B) consisted of six weekly sessions for an hour at noon during the middle of the fall semesters in 2018 and 2019, with a free lunch offered to all participating students, the majority of whom were first-year law students. No academic credit was given for participation. There were 75 students registered in the fall 2018 program; of these, 18 agreed to participate in this research study and completed the pre- and post-test surveys. There were 37 students registered in the fall 2019 program; of these, five agreed to participate in the research study and completed the pre- and post-test surveys. The curriculum was an abbreviated (due to timing) adaptation of the standard MBSR curriculum and introduced many of the key MBSR concepts, exercises, and meditations. Instruction included meditative practices on mindful eating, mindful walking, sitting or lying-down meditations (body scan, awareness of breath, choiceless awareness, and loving-kindness),⁵⁷ and yoga exercises. Several exercises asked students to reflect on pleasant events, unpleasant events, and difficult conversations that they had had recently, identifying the thoughts, physical sensations, and emotions that they experienced during these events. Students were asked to practice the different meditations at home outside of the weekly instruction sessions for as much time as they could, with an expectation of ten to 20 minutes per day during each week of the program.⁵⁸ Scott co-taught these fall programs with a certified mindfulness instructor.⁵⁹

⁵⁷ These meditative practices are described in Charity Scott, *Mindfulness in Law: A Path to Well-Being and Balance for Lawyers and Law Students*, 60 ARIZ. L. REV. 635, 649–51 (2018). The body scan and breath awareness meditations are focused-attention meditations on, respectively, different parts of the body and the movement of the breath (inhaling and exhaling). A choiceless awareness meditation entails the meditator's open monitoring of whatever arises in one's mind (the field of one's awareness). Loving-kindness meditation is a practice that fosters compassion for self and others. Explanations and instructions for these practices are in KABAT-ZINN, *supra* note 25, at 44–53 (awareness of breathing); 77–81, 88–91 (body scan); 69, 74 (choiceless awareness); 214–17 (loving kindness).

⁵⁸ In their informal evaluations, participating students reported a wide range of time spent on daily home practice, from a few minutes to up to 30 minutes or more per day. Before the

The third training program in this study was offered during a three-credit course on professional responsibility for seven weeks in summer 2018. Scott offered this mindfulness training by herself for two hours each week before another faculty member taught the professional responsibility component of the course. The mindfulness component represented the equivalent of one credit in the three-credit course; it was not graded and was not factored into students' grade for the course except as "satisfactory" for their compliance with the mindfulness policies (participation in class discussions, regular home practice with the meditations, submission of weekly meditation time records). There were 34 students enrolled in this course, of which seven agreed to participate in this research study and completed the surveys. With over twice the number of weekly class hours than were available for the fall programs, this summer course was more in-depth and covered almost all that is covered in the standard eight-week MBSR curriculum. In addition to the curriculum used for the fall programs, the additional time in the summer course allowed longer introductions to the meditations, fuller explanations of the science that supports mindfulness, and more opportunity for student inquiry and discussion. Students submitted weekly timesheets on their home practices, which generally reflected more time spent on practicing meditation outside of class than during the fall programs.

C. *Measures and Procedure*

Measures are listed here in order of presentation. We note that all these measures are established psychological questionnaires of good reliability and validity, as established by the original authors of these scales, as cited below.

The Five Facet Mindfulness Questionnaire (FFMQ) is a 39-item questionnaire designed to measure five facets of mindfulness:

- (1) Observing (sample item: "When I'm walking, I deliberately notice the sensations of my body moving.");
- (2) Describing (sample item: "I'm good at finding words to describe my feelings.");
- (3) Acting with awareness (sample item: the reverse of "When I do things, my mind wanders off and I'm easily distracted.");
- (4) Nonjudging of inner experience (sample item: the reverse of "I criticize myself for having irrational or inappropriate emotions."); and

beginning of each fall program, students were asked during the online registration process to commit in good faith to regular practice outside of the class during the week. Our study did not gather data specifically from those students participating in this research study on the amount of time they spent in daily home practice.

⁵⁹ See *supra* note 37 (Helen B. Vantine was co-instructor for the fall programs).

(5) Nonreactivity (sample item: “I perceive my feelings and emotions without having to react to them.”).⁶⁰

The Self-Compassion Scale (SCS), Short Form, consists of 12 items, subdivided into six subscales of two items each:

- (1) Self-Kindness (sample item: “I try to be understanding and patient towards those aspects of my personality I don’t like.”);
- (2) Self-Judgment (sample item: “I’m disapproving and judgmental about my own flaws and inadequacies.”);
- (3) Common humanity (sample item: “I try to see my failings as part of the human condition.”);
- (4) Isolation (sample item: “When I’m feeling down, I tend to feel like most other people are probably happier than I am.”);
- (5) Mindfulness (sample item: “When something painful happens, I try to take a balanced view of the situation.”); and
- (6) Over-Identified (sample item: “When I fail at something important to me I become consumed by feelings of inadequacy.”).⁶¹

The Toronto Empathy Questionnaire consists of 16 items, forming a single scale (sample item: “I can tell when others are sad even when they do not say anything.”).⁶²

Four subscales of the Psychological Well-Being Scale (PWBS) were included:

- (1) Personal Growth (seven items; sample item: “I think it is important to have new experiences that challenge how you think about yourself and the world.”);
- (2) Positive Relations with Others (seven items; sample item: “Most people see me as loving and affectionate.”);
- (3) Purpose in Life (seven items; sample item: “I have a sense of direction and purpose in life.”); and
- (4) Self-Acceptance (seven items; sample item: “When I look at the story of my life, I am pleased with how things have turned out.”).⁶³

The Emotion Regulation Questionnaire (ERQ) examines individual differences in the use of two common emotion regulation strategies:

⁶⁰ Ruth A. Baer et al., *Using Self-Report Assessment Methods to Explore Facets of Mindfulness*, 13 ASSESSMENT 27, 29 (2006) (noting that 39 items “are rated on a 5-point Likert-type scale (*never or very rarely true to always or almost always true*)”); Ruth A. Baer, *Five Facet Mindfulness Questionnaire (FFMQ)*, RUTH BAER PHD, <http://ruthbaer.com/academics/FFMQ.pdf> [<https://perma.cc/925R-2UU7>]; see Baer et al., *supra* note 53, at 330.

⁶¹ Raes et al., *supra* note 49, at 255 (listing items in the SCS short form in Appendix).

⁶² Spreng et al., *supra* note 55, at 70–71 (listing items in the Toronto Empathy Questionnaire in Appendix).

⁶³ Ryff & Keyes, *supra* note 42, at 727 (listing items in the PWBS in Appendix); *Ryff’s Psychological Well-Being Scales*, NESS LABS, <https://nesslabs.com/wp-content/uploads/2019/08/ryff-psychological-well-being-scales.pdf> [<https://perma.cc/N9ND-N45R>].

- (1) Reappraisal (six items; sample item: “When I’m faced with a stressful situation, I make myself think about it in a way that helps me stay calm.”); and
- (2) Suppression (four items; sample item: “I control my emotions by not expressing them.”).⁶⁴

The Positive and Negative Affect Schedule (PANAS), Short Form, measures transitory mood states by providing participants with a list of 20 adjectives—ten describing positive mood states (sample item: “interested”) and ten describing negative mood states (sample item: “distressed”)—and asking participants to what extent they experienced each of these mood states over the past week.⁶⁵

The Perceived Stress Scale (PSS, ten-item version) consists of a single scale of ten items, probing for stressful experiences occurring within the last month (sample item: “In the last month, how often have you been upset because of something that happened unexpectedly?”).⁶⁶

As its name implies, the Depression Anxiety Stress Scales (DASS) measure the participants’ self-reports on three aspects of negative emotional states (with three subscales of 14 items each):

- (1) Depression (sample item: “I couldn’t seem to experience any positive feeling at all.”);
- (2) Anxiety (sample item: “I was worried about situations in which I might panic and make a fool of myself.”); and
- (3) Stress (sample item: “I found myself getting upset by quite trivial things.”).⁶⁷

Participants filled out all questionnaires online, which took about 45 minutes to complete. At post-test, participants in Sample A were given the option to be interviewed by the second author (Verhaeghen) upon completion of the program; the questions asked are listed below in the section on qualitative results. Participants in Sample B were asked online to rate how satisfied they were with the class and were asked “to provide any comments [they] wish to make about the program” in a text box. We also asked them online, “What aspects of the mindfulness training did you find MOST valuable? Why?”; “What aspects of the mindfulness training did you find LEAST valuable? Why?”; and “What did you learn about mindfulness that surprised you?”

⁶⁴ Gross & John, *supra* note 46, at 351 (identifying items in the ERQ at Table 2).

⁶⁵ Watson et al., *supra* note 43, at 1067 (listing descriptors in the PANAS at Table 5).

⁶⁶ Cohen et al., *supra* note 40, at 394–95 (listing items of the original 14-item PSS in Appendix A; the PSS-10 omits items four, five, 12, and 13).

⁶⁷ Lovibond & Lovibond, *supra* note 41, at 339 (listing items in the DASS at Table 3).

IV. RESULTS

A. *Quantitative Results*

Quantitative results are presented in Table 1 (for Sample A) and Table 2 (for Sample B). Means and standard deviations for pre-test and post-test are reported, as well as the effect size (d) for the difference between these two scores and its significance level (p) as determined by a paired-samples t -test. (As is standard in psychology, we considered contrasts with a p value of .05 or smaller to be significant). The d statistic is the mean standardized difference between post-test and pre-test [$(M_{\text{post}} - M_{\text{pre}})/SD_{\text{difference}}$]; it thus indicates how many standard deviations post-test and pre-test are apart. We reversed the sign where appropriate so that positive effect sizes indicate a positive change; for instance, for negative affect, a lower—rather than a higher—score would be better. A Cohen's d value of 0.2 is considered small, 0.5 is considered medium, and 0.8 is considered large.⁶⁸ One large-scale meta-analysis of 156 interventions in the field of psychological, educational, and behavioral treatment sets the median expected effect of such interventions at $d = 0.44$.⁶⁹

For Sample A (see Table 1), we conclude that there are significant positive effects on Nonjudging Attitude and the Total mindfulness score of the Five Facet Mindfulness Questionnaire, on Self-Judgment and the Total self-compassion score on the Self-Compassion Scale, on Reappraisal from the Emotion Regulation Questionnaire, and on the Perceived Stress Scale. Note that with a sample this small, significant results are hard to obtain. Note also that all effect sizes but one are in the expected direction (i.e., a beneficial outcome), and that the effect sizes are generally respectable (ranging from -0.38 to 2.45, with a median of 0.68), suggesting an average effect of medium size.

For Sample B (see Table 2), we found significant effects for a majority (21 out of 27) of effect sizes, with empathy, some aspects of psychological well-being and emotion regulation, positive affect, and anxiety as notable exceptions. The effects on mindfulness were typically large; those on self-compassion, depression, and perceived stress were of medium size; and the aspects of psychological well-being that were significant (Personal Growth and Self-Acceptance) were medium-sized as well. Effect sizes were generally on par with those of Sample A, ranging from -0.02 to 1.16, with a median of 0.46. Participants indicated being satisfied with the program, with an average score of 4.03 on a five-point scale (scores ranged from two to five; $SD = 0.77$).

We also examined the correlations between changes in mindfulness (operationalized as change in the Total score on the FFMQ from pre-test to

⁶⁸ COHEN, *supra* note 28, at 25–27.

⁶⁹ Mark W. Lipsey & David B. Wilson, *The Efficacy of Psychological, Educational, and Behavioral Treatment: Confirmation from Meta-Analysis*, 48 AM. PSYCH. 1181, 1198 (1993).

post-test) and changes in the other variables in Sample B, reversing the sign of the correlation when appropriate, so that a positive correlation indicates a positive effect. We found significant results for the Self-Compassion Scale subscales of Common Humanity ($r = .83$), Self-Kindness ($r = .80$), and Mindfulness ($r = .67$); Positive Affect of the PANAS ($r = .54$); the Personal Growth and Self-Acceptance subscales of the Psychological Well-Being scale ($r = .56$ and $.59$, respectively); and the Perceived Stress Scale ($r = .60$).⁷⁰

⁷⁰ See *supra* note 28 and accompanying text (explaining “ r ” values).

TABLE 1. MEANS AND STANDARD DEVIATIONS OF PRE-TEST AND POST-TEST MEASURES IN SAMPLE A, AS WELL AS THE PRE-TO-POST EFFECT SIZE (d) AND ITS SIGNIFICANCE LEVEL (p).

	Pre-test		Post-test		d
	Mean	SD	Mean	SD	
<i>Five Facet Mindfulness Questionnaire</i>					
Observing	23.00	5.83	28.50	4.85	0.89
Describing	28.00	5.72	29.71	6.29	0.50
Acting with Awareness	25.50	4.85	27.33	3.20	0.82
Nonjudging	27.83	7.55	31.50	6.83	1.10*
Nonreactivity	22.14	4.38	25.86	5.67	0.83
Total	130.60	19.65	146.80	21.48	2.45**
<i>Self-Compassion Scale</i>					
Self-Kindness	6.00	1.53	7.14	1.68	0.56
Self-Judgment	6.14	1.35	4.86	0.90	1.16*
Common Humanity	6.14	1.68	6.86	1.77	0.40
Isolation	6.43	1.72	5.29	1.38	0.85
Mindfulness	7.71	1.50	8.43	1.27	0.57
Overidentify	7.00	1.73	5.29	0.95	0.87
Total	36.29	5.56	43.00	4.65	0.96*
<i>Toronto Empathy Questionnaire</i>					
	62.43	6.02	65.57	6.19	0.50
<i>Psychological Well-Being</i>					
Personal Growth	28.14	2.79	29.86	1.95	0.59
Positive Relations	30.00	2.31	32.00	4.16	0.77
Purpose in Life	30.14	3.98	31.14	3.08	0.39
Self-Acceptance	31.71	3.99	32.86	3.18	0.45
<i>Emotion Regulation Questionnaire</i>					
Reappraisal	26.14	11.95	32.86	9.04	0.95*
Suppression	16.71	5.41	16.86	5.24	-0.03
Total	42.86	14.65	49.71	10.13	0.73
<i>Positive and Negative Affect Schedule</i>					
Positive Affect	35.71	9.88	39.86	5.08	0.68
Negative affect	17.71	3.40	20.43	8.38	-0.38
<i>Perceived Stress Scale</i>					
	25.00	5.32	21.14	4.06	1.38*
<i>Depression Anxiety Stress Scale</i>					
Depression	9.00	1.00	8.71	1.25	0.38
Anxiety	9.57	2.30	9.57	2.70	0.00
Stress	12.57	2.37	11.29	2.29	0.34

* $p < .05$. ** $p < .01$, *** $p < .001$

TABLE 2. MEANS AND STANDARD DEVIATIONS OF PRE-TEST AND POST-TEST MEASURES IN SAMPLE B, AS WELL AS THE PRE-TO-POST EFFECT SIZE (d) AND ITS SIGNIFICANCE LEVEL (p).

	Pre-test		Post-test		d
	Mean	SD	Mean	SD	
<i>Five Facet Mindfulness Questionnaire</i>					
Observing	24.36	6.22	29.41	4.37	0.87***
Describing	25.17	5.97	29.65	5.05	0.72**
Acting with Awareness	20.13	5.98	25.91	5.15	0.83***
Nonjudging	21.43	7.46	27.26	6.53	0.80***
Nonreactivity	18.30	4.03	22.35	2.60	0.93***
Total	109.77	16.75	134.91	15.25	1.11***
<i>Self-Compassion Scale</i>					
Self-Kindness	5.09	1.62	6.57	1.38	0.69**
Self-Judgment	6.91	2.15	5.39	1.99	0.60**
Common Humanity	5.26	1.68	6.74	1.71	0.63**
Isolation	7.48	2.35	6.52	1.75	0.45*
Mindfulness	6.17	1.59	7.09	1.08	0.45*
Overidentify	8.77	1.19	6.73	1.70	1.16***
Total	29.27	7.99	37.86	7.91	0.86***
<i>Toronto Empathy Questionnaire</i>	65.23	6.87	65.14	8.41	-0.02
<i>Psychological Well-Being</i>					
Personal Growth	26.50	3.60	28.23	2.58	0.69**
Positive Relations	28.52	3.67	29.00	4.20	0.13
Purpose in Life	28.73	4.57	29.36	3.89	0.19
Self-Acceptance	26.57	6.25	29.17	4.51	0.52*
<i>Emotion Regulation Questionnaire</i>					
Reappraisal	24.57	8.07	28.23	4.52	0.74**
Suppression	14.22	6.04	12.87	5.95	0.35
Total	38.78	8.99	2.52	7.34	0.46*
<i>Positive and Negative Affect Schedule</i>					
Positive Affect	28.95	6.57	32.23	6.34	0.42
Negative affect	26.78	8.35	24.04	8.50	0.44*
<i>Perceived Stress Scale</i>	32.26	6.78	28.04	6.39	0.59**
<i>Depression Anxiety Stress Scale</i>					
Depression	14.00	5.55	11.61	4.20	0.48*
Anxiety	13.09	4.53	12.48	3.94	0.17
Stress	17.52	3.96	14.10	4.09	0.70**

* $p < .05$. **, $p < .01$, *** $p < .001$

B. Qualitative Results, Sample A

Two participants from Sample A (the summer 2018 course) opted for an interview with the second author (Verhaeghen). The interviews were conducted

after grading for the professional-responsibility component of the course was completed. We paraphrase the essential parts of these interviews, grouped under the questions (in italics) that were asked:

- (1) *This class combined mindfulness training with course content on professional responsibility. What parts of the class were most meaningful to you, and why?* Participants found both parts of the course useful. The stress reduction part and the emphasis on awareness of what is happening in the immediate time frame were appreciated. The context of a class, taken for credit, was seen as helpful by both interviewees: it justifies taking up meditation, it provides good structure for the practice, and it places it in a broader context of learning. One respondent mentioned the breathing exercises as the most valuable part, because it allowed them to regain focus quickly.
- (2) *What is your reaction to the mindfulness training and your perception of its usefulness when combined with a course on professional responsibility?* One participant thought the two parts of this summer course should be decoupled, because they did not add much to each other, even though each part was valuable in its own right. The other participant saw more parallels; for instance, that crossing an ethical line is often due to the inattentiveness that may be associated with stress.
- (3) *How would you evaluate the strengths and weaknesses of the mindfulness training program?* One participant thought the course was too short. The actual content, especially skills for focusing attention, was seen as the greatest strength; the instructor and her attitude were seen as other strengths.
- (4) *Has the mindfulness training had any impact on your mental, psychological, and emotional well-being and your professional development, and if so, how?* Both participants indicated worrying much less about trivial things and mentioned that the class helped with directly dealing with moments of anxiety or irritation. One interviewee indicated a lessened need to multitask, prioritizing tasks instead and focusing on one task at a time. The other interviewee emphasized that the class made them happier, because the skills taught allowed them to manage the necessary stresses of life and allowed them to stop, focus, and re-energize, instead of “letting emotions propel them forward.” For them, the class led to improved relationships with important people in their life; it also allowed them to view reality more objectively, one step removed from direct emotions.
- (5) *What, if anything, will change in your life as a result of this class?* One interviewee indicated that they were less easily triggered by situations or events that would previously have provoked anger or anxiety, because they become aware of the bodily sensations that indicated a build-up of such emotions and could “let it go.” The other interviewee

indicated being more appreciative of “where they are, rather than where they should be.”

- (6) *How well does this class overall fit with your personal or professional goals, and why?* Both participants mentioned the possibility to choose to respond to emotional triggers more skillfully rather than “react automatically.” One interviewee mentioned the potential for stress reduction in the workplace. The other interviewee opined that the class handed them tools to deal effectively with all kinds of relationships. For them, it also “created a balance,” to “take a step back from always trying to make things perfect.” This interviewee also saw mindfulness as a great potential tool for team leaders because mindful attitudes spread.
- (7) *Do you think any of the content or assignments should be changed or adapted, and why?* One suggestion was to stretch out the class over a longer period than the current seven weeks.
- (8) *Would you recommend this class to other students, and why?* Both participants would recommend the class to others. Most-appreciated were the teaching of balance; learning how to prioritize; realizing that a lot of worry, anxiety, or stress is merely a creation of the mind; and gaining the ability to dissociate oneself from stress and stressors. With regard to school, the class teaches students to focus on what needs to be done and not get “caught up in the little things.”

C. *Qualitative Results, Sample B*

Qualitative results were obtained from the fall 2018 and fall 2019 training programs by participants’ written answers to online questions at the end of the questionnaires. (The online questions in these two post-surveys were the same as those that were asked in the interviews for Sample A. No student opted to be interviewed in Sample B.) Responses to the question, “*What impact or effect, if any, has the mindfulness training had for you?*,” centered on three themes. The first theme related to awareness and nonjudging observation. Comments within this theme included as follows:

- “It’s helped me to pause at meaningful moments and appreciate simply being and appreciate being an observer of what is around me and of my inner self.”;
- “More awareness of thoughts, feelings”;
- “I believe I’ve been less judgmental of myself and more able to take a step back when I’m upset.”;
- “It has helped me learn to take a deep breath, ground myself, and be confident in certain situations. It has also helped me be less judgmental of myself as a law student.”;

- “I look forward to meditating. I am more aware of my emotions and when I am overreacting. I am also more aware of sensations in my body.”; and
- “Continue past therapeutic aspects regarding negative thought process. Gave some tools to continue working.”

The second theme in the interviews related to the impact the training had on stress management. Statements related to this theme included as follows:

- “I try to manage my stress with things I learned in class.”;
- “Definitely made life more manageable with the skills I learned”;
- “It has allowed me to calm down my anxiety better and be aware of what I feel.”; and
- “During the first couple of weeks of law school, I was having fast heart rate problems and severe indigestion. I went to a doctor and started taking medication for both on an as-needed basis, but now I have noticed improvements to the point where I no longer need to take the medications. It was stress-induced, and by learning how to deal with stress during Mindfulness training, I was able to change [. . .] the way I feel every day.”

The third theme related to increases in calm and focus, reflected by the observation that “[f]ocus is much better; I am generally calmer.”

Responses to the question, “*What aspects of the mindfulness training did you find MOST valuable? Why?*,” largely fell into three categories. The first category related to the breathing exercises and body scan as a practical means to manage day-to-day stressors:

- “I found the breathing exercises valuable because I noticed that it helped reduce my anxiety in high-stress situations.”;
- “When I had trouble focusing on my homework I would do a breathing meditation and found it easier to complete.”; and
- “I found the body scan to be most helpful. It really helps me to calm down almost immediately. I also found that looking for positive events in my everyday life helped with my overall outlook a lot.”

The second category of responses to the question about the most valuable aspects of the training related to stress education and personal insights into triggers for stress. Comments included the following:

- “Stress education, calm observing”;
- “The loving kindness helped put things into perspective and release some bitterness I had.”;
- “The session in which we learned to handle everyday stresses (being late, for example) was the most valuable session to me. When I find myself faced with a stressful situation, I breathe and think, ‘is this a life-threatening situation? If not, I should calm down.’”; and
- “The meditations, especially the one where you observe your thoughts and emotions without judging, have helped me to identify when I am

more stressed out or when I am upset about something, not to judge that I feel or think that way but to help me identify what I think or feel.”

The third category of the most valuable aspects of the training include the wide array of meditation techniques that were taught during the training. Comments included the following:

- “Learning new methods to meditate”; and
- “Learning various types of meditation exercises and having that period of time that normally I’d be frantic about homework, dedicated solely to meditation.”

Responses to the question, “*What aspects of the mindfulness training did you find LEAST valuable? Why?*,” fell into a couple of categories. First, there were several responses related to the specific technique of walking meditation:

- “Mindful walking. As law students, it’s really hard to slow down so I’m always speed walking and almost unable to be mindful about my movements.”;
- “[W]alking meditation” (mentioned twice); and
- “Mindful walk - did not connect with that.”

A second category in the reaction to the “least valuable” aspect of the training concerned a wish that the program had lasted longer:

- “If it was longer I think it would have been more helpful. Perhaps a semester long, as opposed to six weeks?”; and
- “I wish that the class was longer. I felt that some of us could have benefited from an extra week or two. I also felt like a few of the classes were a bit rushed.”

In connection with the “least valuable” aspects of the training, one person mentioned social aspects (“Some of the sharing time was awkward because we didn’t know the people in the class with us[;] I think small group sharing would have been more comfortable and would’ve helped us meet the other students.”). One person mentioned the body scan (“I found it most difficult to do the body scan, but it was still useful.”). One person mentioned that some of the meditations felt too long (“The longer meditations [...] I was unable to focus long enough.”). One person observed that “It [the training] was very opinionated.”

Responses to the question “*What did you learn about mindfulness that surprised you?*” fell into four categories. First was the appreciation of non-judgmental awareness and its consequences:

- “It surprises me how removing judgment from my inner thoughts, especially thoughts about myself, has improved how I handle inner conflict. Instead of immediately judging a thought or idea as good or bad, I simply let it be and then try to figure out where it came from and why.”;

- “I learned that it is important to be aware of your body, your thoughts, and emotions without judgment. And once you are aware of these things it is easier to balance yourself.”; and
- “It surprised me that I learned how to be more patient with others.”

A second category of “surprise” was the link between mindfulness and stress reduction:

- “I was surprised by the big picture approach to how stress physically impacts us, especially relating to things like blood pressure and indigestion that we medicate so much for.”;
- “Effects of stress”; and
- “I did not realize that mindfulness could help so significantly with stress reduction. As someone with high anxiety and episodic depression, I would often turn to alcohol when I felt stressed. Mindfulness helped greatly in giving me a way to cope with stress that was positive and healthy.”

A third category of “surprise” was the link between mindfulness and mental focus:

- “How much it helps focus”;
- “That I can be mindful”; and
- “Immediately helps with focus if done right before studying.”

A fourth category of “surprise” was the existence or effects of specific techniques:

- “Different techniques that I wasn’t aware of”; and
- “I didn’t know you could do meditation about walking.”

One person also mentioned the scientific evidence for the effects of mindfulness: “The amount of science behind it is incredible. I hate to admit this, but in the past, I discredited meditation and mindfulness as a bit ludicrous. Now, I fully believe in the way it can change your life.” One person mentioned “[h]ow making time for it did not increase the feeling of not having enough time.”

V. DISCUSSION

A. *Outcomes of Our Study*

The main result of our study is quite clear: our six- to seven-week mindfulness intervention in groups of law students shows benefits on a broad array of measures. Effects are of large magnitude on all aspects of mindfulness—with the exception of Describing, where the effect was of medium size—and were mostly medium-sized (and thus on par with those of most psychological and educational interventions)⁷¹ on self-compassion, select aspects of psychological well-being (personal growth being the most aspect

⁷¹ Lipsey & Wilson, *supra* note 69, at 1198.

affected consistently), and stress. Sample B showed a significant decrease in negative affect and depressive symptoms, while Sample A did not. Neither sample showed decreased levels of anxiety. Effects on empathy and positive affect were non-significant in both samples. Effects on emotion regulation were restricted to reappraisal and did not extend to suppression. This can be interpreted as a positive outcome—it is generally more adaptive to change and reframe one’s outlook on the vicissitudes of life rather than ignore or deny one’s emotional reactions. All of this suggests that the mindfulness intervention reached its target of increasing mindfulness and decreasing perceived stress, and also boosted self-compassion and select aspects of psychological well-being along the way. We also note that (with the exception of negative affect in Sample A and empathy in Sample B) all results are positive and that the interviews or narratives do not give any indication of adverse effects. These results, then, add to the growing body of work suggesting that mindfulness interventions in college students are quite beneficial in reducing stress and increasing well-being.⁷²

In a study like ours, with only two measurement points and a small sample, it is hard to ascribe causality. Nevertheless, the correlations we found between changes in mindfulness and self-compassion, personal growth, positive affect, and stress suggest that mindfulness might be a, if not *the*, driving force in creating these changes. This echoes similar findings from the mindfulness literature as reviewed in Part II.⁷³ This result is all the more remarkable given our very modest sample size.

The qualitative results confirm that participants generally found the class useful. Many participants mentioned experiencing enhanced stress management and its likely causes and conditions—they (re)gained calm and focus, experienced enhanced awareness and nonjudging observation, and observed personal insight into their own triggers for stress. Participants generally appreciated the wide range of meditation techniques offered, with some singling out the breathing exercises as the prime mechanism to deal with stress in the moment. In the interviews, our respondents mentioned the opening of a possibility of a skillful response to triggers for stress, including a response of “letting it go.” This seems to be related to their self-reported increased awareness of what is happening in the immediate time frame, in a practice of stopping, focusing, and reenergizing—the same connection as we uncovered in our correlational analysis. Quite a few participants indicated that they felt the program was too short and/or noted a need for follow-up, suggesting the class was enjoyable in and of itself.

⁷² See *supra* notes 31–33 and accompanying text; see also Karen May Barry et al., *A Randomized Controlled Trial of the Effects of Mindfulness Practice on Doctoral Candidate Psychological Status*, 67 J. AM. COLL. HEALTH 299, 305 (2019) (reporting results of research with doctoral candidates who engaged in daily mindfulness practice, which showed reductions in depression and increases in self-efficacy, hope, and resilience).

⁷³ See *supra* notes 26–33 and accompanying text.

B. Relevance of Study Outcomes to the Skills and Traits of Competent Lawyers

“Happiness is a skill, emotional balance is a skill, compassion and altruism are skills, and like any skill they need to be developed—that’s what education is about.”—Matthieu Ricard⁷⁴

Our study demonstrates how law schools can use mindfulness training to help law students both “calm down” and “wake up” and thus help them to develop as competent legal professionals. The *National Task Force Report* identified how mindfulness can support a wide variety of lawyering competencies, “including increased focus and concentration, working memory, critical cognitive skills, reduced burnout, and ethical and rational decision-making.”⁷⁵ In this section we discuss how the outcomes for which there were significant results in our study are relevant to improving the lives of law students and thereby to promoting their lawyering competencies.

1. Lowering Stress and Increasing Focus

With respect to helping our students to “calm down,” our study shows clear benefits from our mindfulness training programs related to lowering students’ perceived stress levels and improving their management of stress.⁷⁶ A 2016 report of a survey of more than 24,000 practicing lawyers identified (and ranked) the professional skills, competencies, and characteristics that were considered foundations for legal practice.⁷⁷ Notably, more than 90 percent of

⁷⁴ Meg Hart, *Interview with Matthieu Ricard*, SIDDHARTHA SCH. NEWSL., (Khyentse Found., S.F., Cal.), May 2008, at 3, http://khyentsefoundation.org/pdf/TSSNewsletterVol1_LR.pdf (quoting Matthieu Ricard, who is a scientist, a Buddhist monk, and best-selling author on meditation, happiness, and related topics).

⁷⁵ Reviewing research, the *National Task Force Report* observed how mindfulness can enhance multiple lawyer competencies (as well as improve health and psychological well-being):

A rapidly growing body of research on meditation has shown its potential for help in addressing a variety of psychological and psychosomatic disorders, especially those in which stress plays a causal role. One type of meditative practice is mindfulness—a technique that cultivates the skill of being present by focusing attention on your breath and detaching from your thoughts or feelings. Research has found that mindfulness can reduce rumination, stress, depression, and anxiety. It also can enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration, working memory, critical cognitive skills, reduced burnout, and ethical and rational decision-making. Multiple articles have advocated for mindfulness as an important practice for lawyers and law students. Evidence also suggests that mindfulness can enhance the sense of work-life balance by reducing workers’ preoccupation with work.

NATIONAL TASK FORCE REPORT, *supra* note 5, at 52–53 (citations omitted).

⁷⁶ See frequent student comments related to reducing stress, *supra* Section IV.B (Sample A) and Section IV.C (Sample B).

⁷⁷ ALLI GERKMAN & LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT, 3, 5 (2016) [hereinafter IAALS FOUNDATIONS FOR PRACTICE], <https://iaals.du.edu/publications/foundations-practice-whole-lawyer-and-character-quotient> [<https://perma.cc/S8RU-WXXZ>].

respondents in this survey thought lawyers needed to acquire stress and crisis management skills either right out of law school or over time.⁷⁸

The *National Task Force Report* observed that mindfulness meditation “can enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration.”⁷⁹ Although our study did not attempt to measure directly the impact of mindfulness training on academic performance, helping law students to feel less stressed could improve their performance by increasing their ability to focus their attention. Students in our study observed this connection between lowering their feelings of stress and increasing their ability to focus on their school work, saying (for example) that the breathing exercises allowed them to regain focus quickly (Sample A) and that “[f]ocus is much better; I am generally calmer” after the training (Sample B).⁸⁰ We also found a strong correlation between changes in mindfulness and changes in perceived stress, suggesting that increased mindfulness is indeed the mechanism. Research has confirmed that mindfulness can increase focus and control over attention.⁸¹

Some meditations in our mindfulness training specifically promote the capacity for focusing one’s attention. In a sitting breath-awareness meditation, for example, students are instructed to focus their attention on the sensations of breathing, to notice whenever their mind has wandered off, to gently return their attention to the sensations of breathing, and to do this repeatedly over the course of a single sitting.⁸² As they strengthen this mental “muscle” for focusing attention during meditation, it can carry over into their school and work lives.⁸³ Improving the ability to stay focused on the task at hand can also improve mood.⁸⁴

⁷⁸ *Id.* at 17 (including coping with stress in a healthy manner, exhibiting flexibility and adaptability, exhibiting resilience after a set-back, and reacting calmly and steadily in challenging situations).

⁷⁹ NATIONAL TASK FORCE REPORT, *supra* note 5, at 53. Similarly to Ricard noting the role of education in the skills identified at the outset of this section (*supra* note 74), the nineteenth-century psychologist William James identified the ability to focus attention as the premier skill to be developed by education: “[a]nd the faculty of voluntarily bringing back a wandering attention over and over again is the very root of judgment, character, and will. No one is *compos sui* if he have it not. An education which should improve this faculty would be the education *par excellence*.” WILLIAM JAMES, *PSYCHOLOGY: THE BRIEFER COURSE* 95 (Dover Publ’ns 2016) (1892) (original published in 1892 by Henry Holt & Co., abbreviated version republished in 1961 by Harper & Row).

⁸⁰ See frequent student comments to improvements in ability to focus, *supra* Section IV.B (Sample A) and Section IV.C (Sample B).

⁸¹ VERHAEGHEN, *supra* note 26, at 96–99 (reviewing studies and finding that the average meditator has better control over her attention than 65 percent of the general public and concluding encouragingly that “not much meditation practice is needed to increase concentration”).

⁸² Scott, *supra* note 57, at 649–50. For a detailed exploration of mindfulness of breathing and instructions for mindful breathing exercises, see KABAT-ZINN, *supra* note 25, at 44–53.

⁸³ See Tim Iglesias, *Mindfulness as Resistance*, 48 SW. L. REV. 381, 384, 396 (2019) (using metaphor of mindfulness meditation as training for the mind and building the mental

Students today can be overwhelmed by distractions such as social media and digital technology, impairing their performance.⁸⁵ Even without external distractions, people's minds naturally wander much of the time.⁸⁶ Mindfulness can increase students' capacity to tame their wandering minds and to resist becoming distracted and to cultivate concentration.⁸⁷

The ability to stay focused on the varied and multiple tasks in law practice is undoubtedly critical to competent lawyering and supports compliance with the professional standard of diligence. The ABA's Model Rules of Professional Conduct require lawyers to act with "reasonable diligence and promptness in representing a client."⁸⁸ The diligence rule "effectively demands of a lawyer that she conscientiously and in a timely fashion do all that a client's matter requires, every time, for every client, for the duration of the lawyer's career. No

"muscle" to control attention, much as weight-training builds body muscles and strength through physical resistance, and characterizing the repeated return of attention to breathing during meditation as "the primary 'work' of mindfulness meditation. . . . the return is the 'muscle' we are developing in learning to control our attention."); Amishi P. Jha et al., *Mindfulness Training in High Stress Professions: Strengthening Attention and Resistance*, in *MINDFULNESS-BASED TREATMENT APPROACHES: A CLINICIAN'S GUIDE TO EVIDENCE BASE AND APPLICATIONS* 347, 353 (Ruth A. Baer ed., 2d ed. 2014) ("According to the neuroplasticity view of [mindfulness training], attention and emotion regulation are ongoing, malleable processes that need to be understood and studied as skills that can be trained, similar to other human skills like learning how to play a sport or a musical instrument.").

⁸⁴ Alexandra B. Morrison et al., *Taming a Wandering Attention: Short-form Mindfulness Training in Student Cohorts*, 7 *FRONTIERS HUM. NEUROSCIENCE* 1 (2014) (observing that "[i]ncreases in negative mood causally follow episodes of mind wandering" and reviewing research evidence that mindfulness training improves mood and attention and decreases self-reported mind wandering). Sample B showed a significant decrease in negative affect (Sample A did not). See *supra* Table 2.

⁸⁵ Shailini Jandial George, *The Cure for the Distracted Mind: Why Law Schools Should Teach Mindfulness*, 53 *DUQ. L. REV.* 215, 217–19 (2015) (discussing that law students today operate amid distractions related to the use of digital devices and inefficient multitasking, which negatively impacts attention and learning); Jarrett A. Green & Rebecca A. Simon, *Self-Mastery: The Pathway to Peak Performance and Well-Being in the Law*, 48 *SW. L. REV.* 207, 231–33 (2019) (reviewing research on impact of cell phone use (and temptation to use cell phones) on cognitive performance and emotional well-being). The next generation of law students may be even more addicted to social media and technology while in law school. See Laura P. Graham, *Generation Z Goes to Law School: Teaching and Reaching Law Students in the Post-Millennial Generation*, 41 *U. ARK. LITTLE ROCK L. REV.* 29 (2019) (characterizing Gen Z (born between 1995 and 2010) students as tethered to technology and social media).

⁸⁶ Matthew A. Killingsworth & Daniel T. Gilbert, *A Wandering Mind Is an Unhappy Mind*, 330 *SCI.* 932 (2010), <http://wjh-www.harvard.edu/~dtg/KILLINGSWORTH%20&%20GILBERT%20%282010%29.pdf> [<https://perma.cc/MV6Y-7MU4>] (study found mind wandering occurred 46.9 percent of the time and people were less happy when their minds were wandering).

⁸⁷ Morrison et al., *supra* note 84, at 10 (study of undergraduate students showed evidence that mindfulness training successfully reduced mind wandering). See generally George, *supra* note 85 (suggesting mindfulness training as the cure for law students' distracted minds).

⁸⁸ MODEL RULES OF PRO. CONDUCT r. 1.3 (AM. BAR ASS'N 2020).

filing deadlines blown; no statutes of limitations allowed to lapse.”⁸⁹ In a recent survey of lawyers, diligence and attention to detail were ranked in the top ten of professional characteristics that are necessary for legal practice right out of law school.⁹⁰

2. *Reappraisal and Resilience*

Resilience is a critically important skill for lawyers and law students.⁹¹ Research suggests that lawyers tend to score low on resilience,⁹² however, and lack of resiliency among law students has become a concern of legal education.⁹³ In this regard, the positive outcome in our study for the reappraisal trait in the Emotion Regulation Questionnaire is significant. Reappraisal in this context “is a form of cognitive change that involves construing a potentially emotion-eliciting situation in a way that changes its emotional impact.”⁹⁴ The ability to reframe one’s outlook on life’s challenges in a positive way reflects an “optimistic explanatory style,” which is a capacity that neurobiology scholars have argued “is so important to our regulation of stress that it constitutes the cornerstone of resilience.”⁹⁵

⁸⁹ Daisy Hurst Floyd & Paul A. Haskins, *Chapter 9: Diligence*, in *ESSENTIAL QUALITIES OF THE PROFESSIONAL LAWYER* 118 (Paul A. Haskins ed., 2013).

⁹⁰ IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 16. “Conscientiousness” was indicated as necessary right out of law school or over time by 95 percent of surveyed respondents. *Id.*

⁹¹ *Id.* at 17 (96 percent of attorneys in recent large survey indicated that the ability to “[e]xhibit resilience after a set-back” was needed either right out of law school or must be acquired over time); William M. Sullivan, *Foreword* to *ESSENTIAL QUALITIES OF THE PROFESSIONAL LAWYER*, *supra* note 89, at xxi, xxiii (“This is a moment when lawyers, especially new lawyers and law students, need resilience. This book speaks directly to that need . . . Becoming self-reflective and self-critical is essential to improving one’s practice and developing a mature, professional identity. They are also keys to resilience.”); *see also* KISER, *supra* note 4, at 90–94 (discussing resilience as an important skill for effective legal practice).

⁹² Larry Richard, *Herding Cats: The Lawyer Personality Revealed*, *REP. TO LEGAL MGMT.*, Aug. 2002, at 1, 9 <http://www.managingpartnerforum.org/tasks/sites/mpf/assets/image/MPF%20-%20WEBSITE%20-%20ARTICLE%20-%20Herding%20Cats%20-%20Richards1.pdf> [<https://perma.cc/R84E-8LQR>] (from data collected from hundreds of profiles of lawyers in large firms, finding that 90 percent of lawyers surveyed scored in the lower half of trait for “resilience”/“ego strength” (the ability to bounce back from criticism or rejection), with the average being 30 percent (general public scored 50 percent)).

⁹³ Sue Shapcott et al., *The Jury Is in: Law Schools Foster Students’ Fixed Mindsets*, 42 *LAW & PSYCH. REV.* 1, 2–3, 28–33 (2018) (reporting results of study on law students that suggests that law students’ mindsets become less adaptive (more “fixed”) during law school and may result in less resiliency; suggesting that mindset affects ability to learn from mistakes, persist, and remain resilient; and identifying efforts of some law schools to address student resilience).

⁹⁴ Gross & John, *supra* note 46, at 349, 360 (finding “that reappraisers negotiate stressful situations by taking an optimistic attitude, reinterpreting what they find stressful, and making active efforts to repair bad moods.”).

⁹⁵ NATIONAL TASK FORCE REPORT, *supra* note 5, at 52 (citing research).

The *National Task Force Report* highlighted the potential for mindfulness to increase lawyers' resilience by increasing this capacity: "Mindfulness meditation is a practice that can enhance cognitive reframing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed."⁹⁶ Calls for law schools to help students build resilience have been increasing in recent years.⁹⁷ By promoting cognitive reframing (i.e., increasing reappraisal ability), mindfulness could help strengthen resilience in law students during law school and as they enter legal practice.

3. *Mindfulness/Nonjudging/Nonreactivity*

Our study showed an increase in law students' "total" score on mindfulness after mindfulness training.⁹⁸ As noted earlier, there is extensive research that mindfulness meditation has positive effects on a wide range of aspects of well-being.⁹⁹ There has not been an equivalent amount of research on *why* or *how* it has these effects, however.¹⁰⁰ Research suggests that it may be that trait mindfulness (recognizing one's automatic habits and automatic reactivity, increased self-awareness of momentary states of mind and body), as reflected in the FFMQ scores, is the mechanism by which meditation practice leads to higher levels of well-being.¹⁰¹ If so, then encouraging our students to continue to be mindful by practicing mindfulness meditation after the training ends would continue to positively affect their well-being (a good outcome as they enter law practice).¹⁰²

A key aspect of mindfulness is being aware of judgments that arise naturally in the mind without evaluating or critiquing them.¹⁰³ This capacity is

⁹⁶ *Id.*

⁹⁷ Shapcott et al., *supra* note 93, at 32–33.

⁹⁸ See *supra* Tables 1 & 2; the two specific facets of mindfulness that showed significant increases in our study were "nonjudging" of and "nonreactivity" to inner experience, discussed *infra* at notes 103–15 and accompanying text.

⁹⁹ See VERHAEGHEN, *supra* note 26, at 126–44 (reviewing extensive research on effects of meditation and mindfulness on emotional, personal, and interpersonal aspects of well-being).

¹⁰⁰ *Id.* at 138–39 (observing that "[e]nthusiasm for model building has exceeded enthusiasm for model testing, alas.").

¹⁰¹ *Id.* at 141 (while acknowledging limited empirical evidence, observing that "[t]aken together, the results [of numerous research studies] strongly speak for a model in which mindfulness practice leads to an increase in trait mindfulness, which then in turn leads to changes in well-being."); see also *id.* at 138 (noting that various mechanisms have been proposed for the impact of meditation on well-being: a change in self-awareness, a change in self-regulation, and increased self-transcendence); *id.* at 140 (observing that results of studies "are compatible with the view that changes in trait mindfulness are the basis for further changes in well-being"); *id.* at 142 (also suggesting that it may be that increased attention from training in mindfulness is the forerunner to these changes in self-awareness and self-regulation, resulting in the positive psychological changes in well-being).

¹⁰² *Id.* at 143 (concluding that the "advice here would simply be to practice often.").

¹⁰³ KABAT-ZINN, *supra* note 25, at 21–23.

reflected in the higher FFMQ scores related to “nonjudging” of one’s inner experiences after the training.¹⁰⁴ In this context, nonjudging refers to the ability simply to notice when the mind is making judgments (e.g., whether something, someone, some event, etc. is good or bad, whether one likes or dislikes this person/thing/activity, etc.) without automatically getting stuck in the content of the judgments or whether one should be having those thoughts in the first place.¹⁰⁵

How would increasing an ability to be “nonjudging” be helpful as a lawyer? After all, in law school, aren’t we supposed to be honing our law students’ skills in “thinking like a lawyer” and refining their ability to make judgments well: how to frame a better (not worse) argument, why a case was rightly (or wrongly) decided, which policies provide better support (or not) for which social goals, how to build a more (not less) persuasive case or a more (not less) favorable deal, and so on?

Nonjudging in the mindfulness context is different: it means not judging one’s inner experience.¹⁰⁶ Lawyers and law students are high achievers who can be prone to self-criticism.¹⁰⁷ Increasing self-awareness of one’s own self-judgments (self-criticism) without over-identifying with or reacting to them can help to reduce stress.¹⁰⁸ Taking a non-evaluative stance towards one’s inner

¹⁰⁴ See sample questions from FFMQ, *supra* note 60 (statements that relate to “non-judging” include, *inter alia*, “I criticize myself for having irrational or inappropriate emotions” and “I tell myself I shouldn’t be feeling the way I’m feeling.”); see also student comment in Sample B *supra* p. 301 (“It surprises me how removing judgment from my inner thoughts, especially thoughts about myself, has improved how I handle inner conflict. Instead of immediately judging a thought or idea as good or bad, I simply let it be and then try to figure out where it came from and why.”).

¹⁰⁵ KABAT-ZINN, *supra* note 25, at 21–23.

¹⁰⁶ Baer et al., *supra* note 53, at 330.

¹⁰⁷ Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1416–19 (1997) (reviewing research on lawyer and law student personality traits including, *inter alia*, “low self-esteem, fear expressed through awkwardness, paranoia, and insecurity” and research finding “that law students are internally insecure, awkward, and anxious” and suggesting that “if law students equate self-worth with achievement, to the extent that self-esteem depends entirely on continual successes, a less-than-average academic performance equates with personal worthlessness”); JEFF FOSTER ET AL., UNDERSTANDING LAWYERS: WHY WE DO THE THINGS WE DO 4, 6 (2010), https://237jzd2nbeeb3ocdpdcjau97-wpengine.netdna-ssl.com/wp-content/uploads/2015/03/Lawyer_Personality_12.1_1.pdf [<https://perma.cc/WQX4-AW3C>] (in survey of more than 1800 lawyers, reporting that lawyers scored below average on “adjustment” scales (“the degree to which a person is steady in the face of pressure, or conversely, moody and self-critical”) and “indicating that lawyers tend to be self-critical and temperamental”).

¹⁰⁸ KABAT-ZINN, *supra* note 25, at 21–23. Jon Kabat-Zinn discusses nonjudging as one of the key attitudinal foundations of mindfulness in Mindfulness Training Online, *MBSR, the Attitude of Non-Judging by Jon Kabat-Zinn*, YOUTUBE (Jan. 21, 2014), <https://www.youtube.com/watch?v=OwVkxcw1eZE> [<https://perma.cc/9MY9-DH8T>]. For the full video for all nine attitudinal foundations of mindfulness, see *Recovered Mindfully, 9 Attitudes Jon Kabat Zinn*, YOUTUBE (Apr. 24, 2015), <https://www.youtube.com/watch?v=2n7FOBFMvXg&t=88> [<https://perma.cc/JD4M-BLBD>].

thoughts and feelings can bring understanding that such self-judgments (like other mental events such as one's opinions, beliefs, desires, worries, and fears, which can cause distress) are simply mental constructs that are often wrong.¹⁰⁹

This nonjudging facet of mindfulness thus allows some distance and perspective-taking on a mental provocation (thought or feeling) without automatically reacting to it.¹¹⁰ The scores on the facet of mindfulness termed "nonreactivity of inner experience"¹¹¹ also increased in our study, which the students characterized as being less "triggered" by their thoughts and feelings. The concerns, fears, and worries that can trigger people today are the "paper tigers" of the contemporary world (e.g., deadlines, long to-do lists, exam pressures, relationship tensions), which may feel threatening inside our minds but which are not the actual tigers that posed real life-and-death risks to our ancestors millennia ago.¹¹² This nonjudging, nonreactive stance results in an easier process of "letting go" of distressing thoughts and feelings, which our survey participants acknowledged (and appreciated).¹¹³ Practicing lawyers also

¹⁰⁹ Kristin D. Neff, *The Development and Validation of a Scale to Measure Self-Compassion*, 2 SELF & IDENTITY 223, 224–25 (2003) (discussing the mental processes and perspectives entailed with the experience of self-compassion). For a related Buddhist perspective in the context of mindfulness practice, see Thubten Chodron, DON'T BELIEVE EVERYTHING YOU THINK: LIVING WITH WISDOM AND COMPASSION 1–2, 14 (2012) ("But don't believe everything you think because, believe it or not, it is often wrong. . . . In particular we need to doubt our disturbing emotions and the stories that lie behind them. . . . In this process of questioning our thoughts and feelings, it's very important to be kind to ourselves.").

¹¹⁰ Britta K. Hölzel et al., *How Does Mindfulness Meditation Work? Proposing Mechanisms of Action from a Conceptual and Neural Perspective*, 6 PERSPS. ON PSYCH. SCI. 537, 538 (2011) ("Intentionally paying attention with a nonjudgmental attitude leads to a significant change in perspective, a so-called decentering or re-perceiving." (citation omitted)).

¹¹¹ See *supra* note 54 (in the FFMQ, "[n]onreactivity to inner experience is the tendency to allow thoughts and feelings to come and go, without getting caught up in or carried away by them." (emphasis omitted)).

¹¹² Charity Scott, *Can Mindfulness Make You a Better, Happier Lawyer?*, HEALTH L. DEVS. (State Bar of Georgia Health L. Section, Ga.), Summer 2018, at 9, 10, <https://www.phrd.com/asset/5c82d282e78c0> [<https://perma.cc/J2M7-BDPQ>]. The idea that evolution prepared humans for actual physical danger (e.g., life-threatening predators like actual tigers), but that now we are snagged by imagined dangers (our contemporary "paper tigers"), is one that is often brought up in the stress literature. See, e.g., Robert M. Sapolsky, *Stress and the Brain: Individual Variability and the Inverted-U*, 18 NATURE NEUROSCIENCE 1344, 1344–46 (2015) ("[T]he stress response, conceptualized in the context of acute physical crisis, can be robustly activated by purely psychological states, such as loss of control, predictability and social support. . . . But these [acute physical crises such as suffering a major injury or severe burn or fleeing from a predator] are not the circumstances of stress that are most pertinent to understanding health and disease in contemporary life. Instead, individual differences are most notable as we navigate life's social exigencies.").

¹¹³ Students appreciated improving their ability for stopping, focusing, and reenergizing after noting their stressors. See, e.g., *supra* pp. 298–99 (Sample A; observing increased ability to "let it go" and possibility to choose to "respond to emotional triggers more skillfully rather than 'react automatically'"); *supra* p. 300 (Sample B; "When I find myself faced with a stressful situation, I breathe and think, 'is this a life-threatening situation? If not, I should calm down.'").

identify the ability to “[r]eact calmly and steadily in challenging or critical situations” as a necessary professional skill.¹¹⁴ Improving the ability to reality-check oneself (by reframing, not judging oneself, and lowering reactivity to triggers) thus could aid in developing self-awareness, which is highly valued in both mindfulness practice and the legal profession.¹¹⁵

4. *Self-Compassion*

Self-compassion was positively impacted in this study by the mindfulness training. Self-compassion “involves being open to and aware of one’s own suffering, offering kindness and understanding towards oneself, desiring the self’s well-being, taking a nonjudgmental attitude towards one’s inadequacies and failures, and framing one’s own experience in light of the common human experience.”¹¹⁶ Research has found that self-compassion has “a significant positive association with connectedness, emotional intelligence, self-determination, and subjective well-being” and “a significant negative association with self-criticism, depression, anxiety, rumination, and thought suppression.”¹¹⁷

How does self-compassion relate to professional competence? Lawyers have a tendency to exemplify the personality traits of negativity and perfectionism.¹¹⁸ Humans in general share a “negativity bias,”¹¹⁹ and it can

¹¹⁴ IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 17 (97 percent of attorney respondents in large survey indicated this ability was needed right out of law school or must be acquired over time). Lessening inner reactivity could also promote other skills identified as necessary for lawyers by approximately 97 percent of surveyed attorneys, such as “[m]ake decisions and deliver results under pressure” and “[e]xhibit flexibility and adaptability regarding unforeseen, ambiguous, or changing circumstances,” *id.*, and “[r]egulate emotions and demonstrate self-control.” *Id.* at 9; *see also* KISER, *supra* note 4, at 94–97 (discussing the importance of self-control for lawyers).

¹¹⁵ *See supra* note 4; IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 14 (more than 90 percent of lawyer respondents indicated that lawyers need to “[p]ossess self-awareness (strengths, weakness, boundaries, preferences, sphere of control)” either right of law school or acquire it over time).

¹¹⁶ Kristin D. Neff et al., *Self-compassion, Achievement Goals, and Coping with Academic Failure*, 4 SELF & IDENTITY 263, 264 (2005) (observing that self-compassion “operates as an effective emotional regulation strategy, by neutralizing negative emotional patterns and engendering more positive feelings of kindness and connectedness”).

¹¹⁷ *Id.*

¹¹⁸ Daicoff, *supra* note 107, at 1417–19 (reviewing research on lawyer stress and the contribution of personality traits (including cynicism) which tend to intensify lawyers’ stress levels, and observing that “lawyers have three personality traits which cause them to become ‘workaholics’: ‘justifiable paranoia,’ perfectionism, and an ‘insatiable desire for success.’ . . . Perfectionism is encouraged by a profession and a personality that emphasize rules, order, organization, logical thought, and objective analysis. Mistakes are very costly, and perfectionism is rewarded both professionally and financially, thus fueling attorneys’ need to achieve.” (citations omitted)); Jordana Alter Confino, *Reining in Perfectionism*, A.B.A LAW PRAC. TODAY (Jan. 14, 2019), <https://www.lawpracticetoday.org/article/reining-in-perfectionism/> [<https://perma.cc/6KCV-2AQP>] (observing that many lawyers embrace their perfectionism as a virtue for which they will be recognized and rewarded but that it can

serve lawyers well by allowing them to spot and address potential problems and risks in many different kinds of professional situations.¹²⁰ Perfectionism can also foster necessary lawyering skills to be careful, accurate, and precise.¹²¹ However, these traits can be over-used in inappropriate circumstances (including one's personal life) and can be turned inward, resulting in self-criticism.¹²² Strengthening the capacity for self-compassion may counteract a tendency to harsh self-criticism while promoting the ability to make a clearer, non-judgmental evaluation of one's strengths and weaknesses.¹²³

Self-compassion can also promote resilience in the face of less-than-optimal performance or outcomes in one's professional life—an inevitability over the course of a legal career. As noted earlier, a study of practicing lawyer profiles found that they scored low on resilience.¹²⁴ Self-compassion could support resilience for law students facing new academic challenges and expectations, different styles of teaching, and unfamiliar materials for learning.

cause harm personally and professionally when it leads to “workaholism and burnout. Efficiency and progress are impeded, as the dread of failure promotes procrastination, excessive nitpicking, and undue risk aversion.”).

¹¹⁹ RONALD D. SIEGEL, *THE SCIENCE OF MINDFULNESS: A RESEARCH-BASED PATH TO WELL-BEING* 12 (2014) (suggesting evolutionary and neurobiological bases for this negativity bias: “Our ancestors remembered every bad thing that happened and spent much of their lives anticipating more trouble. And this is the mind they bequeathed to us. . . . [The brain’s amygdala] reacts more to negative than positive stimuli. The negative contaminates the positive more easily than the positive contaminates the negative.”); Shelley E. Taylor, *Asymmetrical Effects of Positive and Negative Events: The Mobilization-Minimization Hypothesis*, 110 *PSYCH. BULL.* 67, 72, 80 (1991) (reviewing literature that negative events elicit stronger physiological and cognitive responses than positive ones and offering various theories to explain this asymmetry, including evolutionary perspective that it has survival benefits by being adaptive to maximize rapid and effective responses to threats); see also E. SCOTT FRUEHWALD, *UNDERSTANDING AND OVERCOMING COGNITIVE BIASES FOR LAWYERS AND LAW STUDENTS: BECOMING A BETTER LAWYER THROUGH COGNITIVE SCIENCE* 37–42 (2018) (discussing negativity biases and their relationship to legal practice).

¹²⁰ Richard, *supra* note 92, at 4 (finding that lawyers’ highest scoring personality trait (which was significantly higher than that for the general public) was “skepticism”; people scoring high on this trait “tend to be skeptical, even cynical, judgmental, questioning, argumentative and somewhat self-protective.”); Larry Richard, *The Mind of the Lawyer Leader*, *LAW PRAC. MAG.*, Sept./Oct. 2015, at 46, 47–48 (characterizing this negative mindset as an “occupational hazard” and noting that “it’s not only the work that produces the mindset; that mindset gets reinforced every day by the natural personality of the person doing the work.”).

¹²¹ See IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 26 (“[a]ttention to detail” was among the top ten lawyering characteristics needed for success right out of law school).

¹²² Richard, *supra* note 92, at 4, (observing that “the average person tends to use his or her stronger personality traits across all situations, rather than turning them on and off at will. . . . [S]keptical lawyers will be skeptical not only when they’re representing a client but in other roles which might actually require lower levels of skepticism.”)

¹²³ Neff et al., *supra* note 50, at 913 (observing that because “self-compassionate individuals are not harshly self-critical, they may be more able to acknowledge areas of weakness that need changing.”).

¹²⁴ Richard, *supra* note 92, at 9 (observing that people who score low on resilience “tend to be defensive, resist taking in feedback, and can be hypersensitive to criticism.”).

Exam results can be especially disappointing for law students, who typically excelled as undergraduates, since law school grades are often based on a mandatory curve that means that 90 percent of them will not be in the top ten percent of class.¹²⁵ Self-compassion can help law students cope with their new academic realities and remain motivated to do their best academically. Research with undergraduates has shown that self-compassion “was linked to intrinsic interest in learning and healthier coping strategies after failing an exam.”¹²⁶

In the first few years of offering the mindfulness training programs, we were reluctant to introduce the “loving kindness” meditation in which compassion and well-wishes are offered to oneself (self-compassion) and to others.¹²⁷ We worried that our high achievement-oriented students would skeptically reject it as too “touchy-feely.” (Not that “touchy-feely” is a bad thing; after all, mindfulness promotes heightened awareness to one’s touch (physical sensations), feelings and emotions, and thoughts.)¹²⁸ In any event, we were wrong about students’ potential rejection of the loving-kindness meditation, and we now regularly offer it in our training programs (including the ones in this study). Not only does the research show a positive association between self-compassion and learning,¹²⁹ but the students themselves also rank

¹²⁵ WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 165–66 (2007) (seminal report of the Carnegie Foundation for the Advancement of Teaching discussing “the competitive atmosphere engendered by the widespread practice in legal education of grading on the curve”); *see also* NATIONAL TASK FORCE REPORT, *supra* note 5, at 38 (identifying mandatory grading curves as one of the culprits in legal education that undermine student well-being).

¹²⁶ Neff et al., *supra* note 50, at 909. For a report of their study’s findings, *see* Neff et al., *supra* note 116, at 282, in which the authors make the following observations:

These findings help confirm the idea that because self-compassionate individuals are kinder to themselves when they fail, are more aware that failure is part of the common human experience, and are more mindful of their negative emotions, they are more able to see failure experiences as chance to learn and grow rather than becoming consumed with fear about what a negative performance says about their self-worth. . . . [Findings also showed a positive association between self-compassion and intrinsic motivation.] Even after receiving a disappointing grade, it seems that self-compassionate individuals were more able to remain interested and involved in the course topic.

¹²⁷ *See* Scott, *supra* note 57, at 650–51 (giving example of a loving-kindness meditation offered first to oneself and then to a series of other people, repeating silently to oneself: “May you be happy/May you be healthy/May you be safe/May you live your life with ease”).

¹²⁸ Bishop et al., *supra* note 23, at 232 (stating that “[m]indfulness begins by bringing awareness to current experience—observing and attending to the changing field of thoughts, feelings, and sensations from moment to moment—by regulating the focus of attention.”); KABAT-ZINN, *supra* note 25, at 5 (mindfulness training introduces people “to ways that they can use to listen to their own bodies and minds and to begin trusting their own experience more”); *see also supra* note 4.

¹²⁹ Neff et al., *supra* note 116, at 283–84. The authors concluded the following:

[F]indings from these studies suggests that self-compassion helps to facilitate the learning process by freeing individuals from the debilitating consequences of harsh self-criticism, isolation, and over-identification in the face of failure, and instead provides students with self-

the loving-kindness meditation among their favorites. Compassion meditations also foster compassion for others—an important professional quality¹³⁰—and allow a shift from a self-regarding stance to an other-regarding stance, with implications for connecting our students to the concerns of others in their communities, including issues of poverty, inequality, and social justice.¹³¹

5. *Self-Acceptance and Personal Growth*

Our study also showed significant increases in psychological well-being after students completed the mindfulness training. On the Psychological Well-Being Scale (PWBS), the students' scores increased along the dimensions of self-acceptance and personal growth—two key components of positive psychological functioning. Self-acceptance, like self-compassion, is an aspect of self-concept.¹³² Someone who scores high on self-acceptance “possesses a positive attitude toward the self; acknowledges and accepts multiple aspects of self, including good and bad qualities; feels positive about past life.”¹³³ “People who score high on self-acceptance are ‘confident’ and ‘present themselves with

kindness, a sense of common humanity, and emotional balance. This constructive attitude towards the self appears to help students focus on mastering tasks at hand rather than worrying about performance evaluations, to retain confidence in their competence as learners, and to foster intrinsic motivation. Results also suggest that self-compassion is associated with lower anxiety levels, and that self-compassionate individuals are more likely to adopt adaptive coping strategies when confronted with academic failure.

Id.

¹³⁰ IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 9 (almost 90 percent of surveyed attorney respondents indicated that the ability to “[d]emonstrate tolerance, sensitivity, and compassion” was needed right out of law school or must be acquired over time).

¹³¹ Nehal A. Patel, *Why Lawyers Fear Love: Mohandas Gandhi’s Significance to the Mindfulness in Law Movement*, 4 BRIT. J. AM. LEGAL STUD. 251, 271–76, 296–99 (2015) (exploring potential for mindfulness to promote three levels of change: individual, interpersonal, and structural; cautioning that, despite meditation’s benefits for individuals, “without its original connection to loving-kindness, its meaning and effectiveness is stunted” and encouraging the harnessing of the mindfulness-in-law movement “to transform the legal profession from self-regarding materialism to other-regarding compassion” and to “avoid making lawyers merely more efficient worker bees”); *see also* Susan L. Brooks, *Mindful Engagement and Relational Lawyering*, 48 SW. L. REV. 267, 273–80 (2019) (discussing mindful engagement as a way to harness the “personal and interpersonal aspects of mindfulness to inform and deepen systemic work, particularly efforts to bring about positive social change.”).

¹³² VERHAEGHEN, *supra* note 26, at 131 (reviewing research that “the average meditator has a more positive, stronger self-concept than 75 [percent] of nonmeditators”).

¹³³ Ryff & Keyes, *supra* note 42, 727; *see also* Ryff, *supra* note 42, at 1071 (stating that self-acceptance “is defined as a central feature of mental health as well as a characteristic of self-actualization, optimal functioning, and maturity. . . . [H]olding positive attitudes toward oneself emerges as a central characteristic of positive psychological functioning.”).

conviction.”¹³⁴ Like self-compassion, this is another dimension of well-being that could counter lawyers’ tendency to suffer from a severe inner critic.¹³⁵

Someone who scores high on the dimension of personal growth on the PWBS “has a feeling of continued development, sees self as growing and expanding, is open to new experiences, has [a] sense of realizing his or her potential, sees improvement in self and behavior over time, [and] is changing in ways that reflect more self-knowledge and effectiveness.”¹³⁶ This reflects an aspect of “waking up” that law professors might particularly hope for in their students after mindfulness training. The capacity to grow and develop as a person is aligned with the capacity to grow and develop as a professional.

Legal employers highly value the capacity for self-initiated and continuous professional development.¹³⁷ Among the top learning-outcome competencies that have thus far been adopted by law schools in response to the American Bar Association’s (ABA) new accreditation requirement that law schools adopt learning outcomes for their students is “the competency of demonstrating understanding and integration of pro-active self-evaluation and professional development toward excellence at the competencies needed to serve clients and the legal system (self-directed learning).”¹³⁸ A commitment to ongoing professional development is reflected in Rule 1.1 of the ABA’s Model Rules of Professional Conduct, which requires both “competence” and “maintaining

¹³⁴ VERHAEGHEN, *supra* note 26, at 131.

¹³⁵ *See supra* notes 118–23 and accompanying text (discussing characteristics of negativity and perfectionism in lawyers).

¹³⁶ Ryff & Keyes, *supra* note 42, at 727; *see also* Ryff, *supra* note 42, at 1071 (referring to the personal-growth dimension of well-being and observing that “[o]ptimal psychological functioning requires . . . that one continue to develop one’s potential, to grow and expand as a person. The need to actualize oneself and realize one’s potentialities is central to the clinical perspectives on personal growth. Openness to experience, for example, is a key characteristic of the fully functioning person.”).

¹³⁷ *See* IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 14 (with respect to professional development, approximately 90 percent of respondents in large survey of practicing lawyers identified “[having] an internalized commitment to developing toward excellence,” “seek[ing] and be[ing] responsive to feedback,” “tak[ing] individual responsibility for actions and results,” and “seek[ing] out work or training that will expand skills, knowledge, or responsibilities” as being necessary either in the short term or acquired over time).

¹³⁸ Neil W. Hamilton, *Connecting Prospective Law Students’ Goals to the Competencies that Clients and Legal Employers Need to Achieve More Competent Graduates and Stronger Applicant Pools and Employment Outcomes*, 9 ST. MARY’S J. ON LEGAL MALPRACTICE & ETHICS 260, 267 n.18, 287, 290, 296 (2019) (based on empirical research of what legal employers and clients want in their lawyers, the concluding that “a broader range of competencies beyond technical skills is needed to serve today’s clients well” and that the top priorities from the data for professional competence converged on (1) continuous professional development (evidencing both commitment to excellence, “actively seeking feedback and reflection,” and “initiative/strong work ethic/diligence”) and (2) internalization of deep responsibilities to others (evidencing “trustworthiness and integrity,” strong relationship and communication skills, “good judgment/common sense,” “teamwork and collaboration”)).

competence” over a career.¹³⁹ Law schools can begin their students’ life-long journey to learn professional knowledge, skills, and values, but professional learning must continue for their graduates throughout their careers, and that requires that they have the capacity for self-directed learning and growth.

The legal profession has begun to make the well-being of lawyers a priority concern and to appreciate the clear connection between well-being and professional competence. Along with its publication of the *National Task Force Report* in 2017, the ABA—the principal professional association of lawyers—also established that year a Presidential Working Group to Advance Well-Being in the Legal Profession (the “Working Group”).¹⁴⁰ The Working Group launched a campaign asking legal employers to take a pledge to commit to improve the substance use and mental health landscape of the legal profession.¹⁴¹ Thus far, 199 legal employers (including some law schools) are signatories to the pledge.¹⁴² This is not simply a feel-good initiative by the ABA; the ABA recognizes that well-being directly supports professional competence.¹⁴³

C. Future Directions in Teaching and Research

1. Teaching

Teaching mindfulness (and about mindfulness) is already happening in law schools in a variety of contexts through, for example, courses on alternative

¹³⁹ MODEL RULES OF PRO. CONDUCT r. 1.1 cmt. (AM. BAR ASS’N 2020); see also KISER, *supra* note 4, at 42–43 (“For lawyers, self-awareness and self-development are concomitant responsibilities. . . . [L]awyers have twin duties to assess and improve their performance.”).

¹⁴⁰ *Working Group to Advance Well-Being in the Legal Profession*, A.B.A., https://www.americanbar.org/groups/lawyer_assistance/well-being-in-the-legal-profession/ [<https://perma.cc/WS4G-27Q7>] [hereinafter *Working Group*]. The ABA has also adopted a *Well-Being Toolkit for Lawyers and Legal Employers* and a *Well-Being Toolkit Nutshell: 80 Tips for Lawyer Thriving*. *Id.* (making both documents available for download).

¹⁴¹ *Working Group*, *supra* note 140.

¹⁴² *Id.* For the pledge commitment form, see *The Pledge*, A.B.A., https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_working_group_pledge_and_campaign.pdf [<https://perma.cc/NGY5-THSX>]. Clients are beginning to use the pledge in their decisions regarding whom to hire as their outside counsel. Kristen Rasmussen, *Making Mental Health a Money Matter: 3M Uses ABA Wellness Pledge in Outside Counsel Search*, LAW.COM (Aug. 25, 2019, 6:00 PM), <https://www.law.com/corpcounsel/2019/08/25/making-mental-health-a-money-matter-3m-uses-aba-wellness-pledge-in-outside-counsel-search/> [<https://perma.cc/F5WQ-5JAU>] (to access the entire article, select “Go to Lexis Advance” and input login credentials).

¹⁴³ NATIONAL TASK FORCE REPORT, *supra* note 5, at 8–9 (giving as a reason for lawyers to take action on well-being is that well-being influences ethics and professionalism; citing competence and diligence in the MODEL RULES OF PRO. CONDUCT r. 1.1, 1.3 (AM. BAR. ASS’N); and observing cognitive impairments that can result from mental illness and alcohol abuse, including deficits in “executive functions, especially in problem-solving, abstraction, planning, organizing, and working memory—core features of competent lawyering”).

dispute resolution,¹⁴⁴ ethics and professionalism,¹⁴⁵ emotional intelligence,¹⁴⁶ social justice,¹⁴⁷ trial advocacy,¹⁴⁸ legal skills,¹⁴⁹ mindfulness and the practice of law,¹⁵⁰ and various other subjects,¹⁵¹ as well as in externship programs,¹⁵²

¹⁴⁴ Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 HARV. NEGOT. L. REV. 1 (2002); Leonard L. Riskin & Rachel Wohl, *Mindfulness in the Heat of Conflict: Taking STOCK*, 20 HARV. NEGOT. L. REV. 121 (2015); see also Brian A. Pappas, *Mindful Mediation*, 48 SW. L. REV. 351, 354–57 (2019) (discussing how his mediation practice developed as a direct result of his mindfulness practice, improving his capacity for setting an appropriate intention, impartiality, active listening, focusing attention, and reflection).

¹⁴⁵ Peter H. Huang, *Mindfulness in Legal Ethics and Professionalism*, 48 SW. L. REV. 401 (2019); Scott L. Rogers & Jan L. Jacobowitz, *Mindful Ethics and the Cultivation of Concentration*, 15 NEV. L.J. 730 (2015); see also Jha et al., *supra* note 83, at 358–59 (discussing three courses in mindfulness curriculum at University of Miami School of Law: “Mindfulness in Law,” “Mindful Leadership,” and “Mindful Ethics”); Jan L. Jacobowitz & Scott L. Rogers, Fall 2020 Syllabus for Mindful Ethics: Professional Responsibility for Lawyers in the Digital Age, THE MINDFUL L. STUDENT, http://themindfullawstudent.org/mindful_ethics/mindful_ethics_2020_syllabus.html [<https://perma.cc/4C3G-QUUD>].

¹⁴⁶ Nathalie Martin, *Think like a (Mindful) Lawyer: Incorporating Mindfulness, Professional Identity, and Emotional Intelligence into the First Year Law Curriculum*, 36 U. ARK. LITTLE ROCK L. REV. 413 (2014); see also William S. Blatt, *Teaching Emotional Intelligence to Law Students: Three Keys to Mastery*, 15 NEV. L.J. 464 (2015); William Blatt, Spring 2017 Syllabus for Emotional Intelligence: Life Skills for Lawyers 3–7 (Spring 2017), <https://drive.google.com/file/d/0BwS65-7QFz9QQWFTcXhZnNnY5VUU/view> [<https://perma.cc/8GZA-8HHB>] (incorporating mindfulness in a course on emotional intelligence).

¹⁴⁷ Rhonda V. Magee, *The Way of ColorInsight: Understanding Race and Law Effectively Through Mindfulness-Based ColorInsight Practices*, 8 GEO. J.L. & MOD. CRITICAL RACE PERSPS. 251 (2016) (incorporating mindfulness and contemplative practices to address race and implicit bias); Thalia González, *A Quiet Revolution: Mindfulness, Rebellious Lawyering, and Community Practice*, 53 CAL. W.L. REV. 49 (2016) (discussing courses related to “mindful social justice lawyering”).

¹⁴⁸ David M. Zlotnick, *Integrating Mindfulness Theory and Practice into Trial Advocacy*, 61 J. LEGAL EDUC. 654 (2012).

¹⁴⁹ Katerina P. Lewinbuk & Christy Gilbert, *Law Student Heal Thy Self: Teaching Mindfulness as a Legal Skill*, 41 J. LEGAL PRO. 37, 48–52 (2016) (discussing how to teach a course on mindfulness-based legal skills, such as client interviewing and mediation).

¹⁵⁰ Brooks, *supra* note 131, at 281–92 (describing 1L course called “Introduction to Relational Lawyering”). Judi Cohen offers a course called “Mindfulness for Lawyers: Understanding the Legal Mind for Greater Effectiveness and Wellbeing in the Study and Practice of Law” at U.C. Berkeley School of Law. *Course and Workshop*, BERKELEY L., <https://www.law.berkeley.edu/students/mindfulness-at-berkeley-law/courses/> [<https://perma.cc/7ZGD-F3C3>]. The Hon. Donn Kessler offers a course called “Finding Joy in the Practice of Law: Mindfulness Practices to Make You a More Creative and Effective Lawyer (and Law Student)” at Arizona State Law. Donn Kessler et al., Course Proposal Request for Finding Joy in the Practice of Law: Mindful Practices to Make You a More Creative and Effective Lawyer (and Law Student) (Jan. 13, 2015), <https://drive.google.com/file/d/0BwS65-7QFz9Qa2g2cHZ1aks4LUE/view> [<https://perma.cc/9R73-ZCXR>].

¹⁵¹ Peter H. Huang, Teaching (About) Mindfulness: A Tale of Two Courses 6–7 (Sept. 7, 2016) (unpublished manuscript), <https://ssrn.com/abstract=2771578> [<https://perma.cc/5Z6F-3V4E>] (discussing teaching (about) mindfulness in courses on torts; economic analysis and the law; financial decision-making; media, popular culture and law; neuroscience and law; and legal ethics and professionalism); see Leonard L. Riskin, *Awareness and the Legal*

clinical programs,¹⁵³ and extracurricular programs.¹⁵⁴ Together with these and other calls for teaching mindfulness in legal education,¹⁵⁵ our study can help move other curricular innovations involving mindfulness forward, teaching it both as a skill in its own right to deepen self-understanding and as a tool to develop a range of important professional competencies that have been identified by legal employers and clients.¹⁵⁶

For example, one of the authors (Scott) has developed a new course called “The Reflective Lawyer” which was taught for the first time in the spring semester of 2020. The impetus for this course came from our research study and from the students who were in the summer 2018 course on professional responsibility in which Scott taught most of the standard MBSR curriculum.¹⁵⁷ Consistent student feedback was that the mindfulness component of that course should be made its own stand-alone course, which is now this new course.

The new course explores mindfulness in the context of numerous professional competencies, including the capacity for self-awareness; effective communication; emotional intelligence; adaptability and resilience in the face of rapid change; and personal and professional responsibility to oneself, for

Profession: An Introduction to the Mindful Lawyer Symposium, 61 J. LEGAL EDUC. 634 (2012) (surveying courses and programs incorporating mindfulness in legal education).

¹⁵² Alison Lintal, *Using Mindfulness Meditation to Foster Reflection in Externships*, 48 SW. L. REV. 329 (2019).

¹⁵³ Tamara L. Kuennen, *The M Word*, 43 HOFSTRA L. REV. 325, 330–33 (2014) (reviewing mindfulness in clinical pedagogy).

¹⁵⁴ See, e.g., *Lawyers in Balance: Mindfulness for Law Students*, GEO. L., <https://www.law.georgetown.edu/your-life-career/health-fitness/center-for-wellness-promotion/mind/lawyers-in-balance/> [<https://perma.cc/PVX9-XZV2>] (describing Georgetown Law’s free, eight-week co-curricular course teaching mindfulness practices).

¹⁵⁵ For an early seminal article on bringing mindfulness to law students, see Riskin, *supra* note 144. For more recent calls, see George, *supra* note 85, at 243 (advocating that “[g]iven this growing trend, and the clear evidence that mindfulness training improves attention, learning, working memory capacity, academic achievement, empathy, self-compassion, and creativity, and that it can reduce stress and anxiety, more law schools should be developing and offering courses or instruction on mindfulness”); Tim Iglesias, *Offering and Teaching Mindfulness in Law Schools*, 49 U. S.F. L. REV. F. 24 (2015) (in context of course on Contemplative Lawyering, advocating that law schools promote mindfulness courses for improving students’ legal skills while they are developing “as professionals and human beings”); Katerina P. Lewinbuk, *Lawyer Heal Thy Self: Incorporating Mindfulness into Legal Education & Profession*, 40 J. LEGAL PRO. 1 (2015) (advocating adding mindfulness to legal education curriculum); Scott L. Rogers, *The Role of Mindfulness in the Ongoing Evolution of Legal Education*, 36 U. ARK. LITTLE ROCK L. REV. 387 (2014) (discussing the integration of mindfulness into the curriculum and across the law school experience).

¹⁵⁶ See, e.g., *supra* notes 137–39 and accompanying text. Traditionally, law schools have viewed their primary job to teach students to “think like a lawyer,” by which they usually meant critical analysis of laws, appellate court opinions, and advocates’ arguments (though some might object that this job was more narrowly like teaching students to “think like a judge”—logically, impersonally, and dispassionately). In recent decades, an expanded set of skills and traits of competent lawyers have become the focus of attention in both legal education and the legal profession. See *infra* note 169 and accompanying text.

¹⁵⁷ See *supra* p. 291 (describing summer 2018 course).

one's health and well-being, and to the profession. The course description provides that

[The course's focus] is on developing students' capacities for self-reflection and fostering the intrinsic traits, qualities, and motivations that contribute to the ethical and professional practice of law, including self-awareness, empathy and compassion for self and others, diligence, honesty, authenticity, tolerance, initiative, creativity, flexibility, and a growth mindset. The course presents the theories, scientific bases, and positive psychology that support mindfulness and reflective practice in law.¹⁵⁸

Before they could register for the course, students were required to agree to comply with the course policies, which include engaging in good-faith, daily mindfulness practices outside of class (e.g., ten to 20 minutes per day) during the first eight weeks of the semester (continuation thereafter is encouraged but not required). The course description explains that the reason for this policy is that in order to internalize mindfulness practices and gain their benefits, students need to adopt a regular habit of engaging in them.

The course was approved by the faculty a few weeks before registration opened in the 2019 fall semester, and it had a waiting list as soon registration opened (enrollment was limited to 20 students). Several of Scott's faculty colleagues audited classes during the semester, and a number of practicing lawyers to whom she presented the proposal for the course have expressed interest in joining the class if offered in the future. Although formal course evaluations for spring semester 2020 were cancelled at the law school due to the transition to online teaching as a result of the coronavirus pandemic, informal feedback from the students at the end of the semester was highly positive and enthusiastic. Law students and lawyers are clearly interested in

¹⁵⁸ Charity Scott, *The Reflective Lawyer: Course Description and Policies* (available upon request from the author (Scott)). The detailed course syllabus is also available upon request from Scott. Due to the coronavirus pandemic that occurred during spring semester 2020, all classes at the Georgia State Law school transitioned to remote (online) teaching from mid-March to the end of the semester, as happened at law schools across the nation. *See, e.g.*, Taylor DiChello, *Coronavirus Conversion: Will Online Law School Classes Become a Permanent Change?* A.B.A. FOR LAW STUDENTS: BEFORE THE BAR (Mar. 26, 2020), <https://abaforlawstudents.com/2020/03/26/will-online-law-school-classes-become-a-permanent-change> [<https://perma.cc/WJ4L-YEZQ>] (observing that "every single law school in the United States is going remote"). "The Reflective Lawyer" course remained largely unchanged from the original syllabus with respect to the course objectives, content coverage, and writing assignments, including the final paper. The primary change necessitated by the public health crisis was to convert the weekly three-hour classes that had been held in person in the classroom at the outset of the semester to an online format over Zoom. Also, in lieu of having small-group discussions held in person during the weekly class meetings as had been done earlier in the semester, the students were asked after the transition to remote classes to schedule their own small-group discussions on assigned topics with each other during a time and on an online platform of their choosing during each week. Somewhat surprisingly, several students commented on an increase in effectiveness and intimacy of these small-group online discussions compared to the in-class small-group discussions earlier in the semester.

learning about mindfulness and engaging in mindfulness practices to improve the dimensions of their lives that they believed are under- or undeveloped in law school and legal practice.

While focusing on lawyering competencies that could be fostered through mindfulness, this new course (along with our empirical research) can hopefully be part of a larger reform movement in legal education that takes the health and well-being of law students to heart and fosters their professional competencies within an institutional culture of well-being.¹⁵⁹

2. Research

Our study represents early investigation in legal education to examine the impact of mindfulness training for law students.¹⁶⁰ More empirical research should be undertaken to examine the extent of these benefits in other law schools and to begin to develop best practices in mindfulness training in legal education.

Hopefully, future research will replicate our study and examine the consistency (or not) of our results with those in other law schools where mindfulness is taught. Future studies could include more than a single law school site to compare results in different kinds of law schools (e.g., private versus public, highly ranked versus lower-ranked schools, full-time versus part-time programs). Other future research questions could include the following:

To what extent is there a difference in impact for 1L students versus upper-level students? Our fall programs were open to all students, and while they consisted primarily of 1L students, it would be interesting to know the extent to which (if any) that mindfulness training impacts law students differently depending on the year of law school when they take it.

¹⁵⁹ See NATIONAL TASK FORCE REPORT, *supra* note 5, at 35–40 (recommending numerous wellness promotion and illness prevention strategies in legal education, and specifically recommending that law schools “create a lecture series . . . and a course designed to cover well-being topics in depth”); David B. Jaffe, *The Key to Law Student Well-Being? We Have to Love Our Law Students*, PD Q., Feb. 2018, at 11, 16 n.11, <https://www.wcl.american.edu/impact/lawwire/the-key-to-law-student-well-being-we-have-to-love-our-law-students/article/> [https://perma.cc/A7NG-7YMJ] (author served as lead author for the law school section of the NATIONAL TASK FORCE REPORT, *supra* note 5 at 31–40). This Article expands on that section, encouraging numerous reforms. See also Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 620, 624 (2015) (reporting results of study of over 4,000 lawyers that well-being correlated much more highly with internal factors (e.g., satisfying needs for autonomy, interpersonal relatedness, and competence) than with external factors such as income, class rank, or law review membership and suggesting “the need for a systematic effort to recast perceptions of ‘success’ in law school and the profession, by shifting institutional emphases from competition, status, and tangible benefits to support, collaboration, interest, and personal purpose”).

¹⁶⁰ See *supra* notes 35–36 (identifying only two other empirical studies on the impact of mindfulness training on law students (Reuben & Sheldon, *supra* note 35) and lawyers (Minda et al., *supra* note 36)).

To what extent (if any) does the context of the training make a difference in the training's effect on law students (e.g., context as a voluntary extracurricular offering or as a graded elective course)?

What difference (if any) does the length of the training make (e.g., over the years we have offered programs of four, six, seven, and eight weeks with program instruction varying from one hour per week (fall programs) to two hours per week (in conjunction with a professional responsibility course). A related question is what difference (if any) does the amount of time that students spend on home practice make?

How does mindfulness training compare in its impact on students' health and well-being to other wellness initiatives a school might offer to students (e.g., lectures on wellness, faculty-led activities outside of the classroom, other special events or other kinds of trainings)?

Might other (perhaps larger) studies detect an effect on certain aspects of well-being that we did not see an effect for after our mindfulness trainings in our study (but for which effects have been demonstrated in the literature)? For example, our study showed little evidence of impact on empathy, some aspects of psychological well-being and emotion regulation, positive affect, and anxiety.

The *National Task Force Report* cited other research that mindfulness can “enhance a host of competencies related to lawyer effectiveness, including . . . ethical and rational decision-making.”¹⁶¹ Several matters of professionalism were ranked within the top ten of lawyering competencies and traits that were identified as necessary right out of law school.¹⁶² We concur with other legal scholars who have called for empirical research to examine whether mindfulness training can improve ethical decision-making and professionalism by law students and lawyers.¹⁶³

More broadly, whether for research or for institutional improvement, individual law schools should undertake anonymous surveys of their entire student bodies to learn their students' self-evaluations of the state of their health and well-being, their views on the school's efforts to create an

¹⁶¹ NATIONAL TASK FORCE REPORT, *supra* note 5, at 52–53.

¹⁶² IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 26 (more than 90 percent of survey respondents ranked the following issues of professionalism within the top ten competencies for new lawyers: “[k]eep information confidential,” “[h]onor commitments,” and “[i]ntegrity and trustworthiness”).

¹⁶³ See, e.g., Peter H. Huang, *Can Practicing Mindfulness Improve Lawyer Decision-Making, Ethics, and Leadership?*, 55 HOUS. L. REV. 63, 64, 147–48 (2017) (recommending that “law professors and lawyers should team up with neuroscientists and psychologists to conduct multi-methods waitlist controlled research studies involving law students, lawyers, and law professors to determine if practicing mindfulness improves legal decision-making, ethics, and leadership”).

institutional culture of wellness, and their suggestions for supporting students' health and well-being.¹⁶⁴

VI. LIMITATIONS

Our study has obvious limitations. One is the absence of a no-intervention control group. It remains possible (although probably unlikely) that stress declines over the course of a semester, and that our results merely capture this trend. One counterargument is that we also observed changes in aspects of behavior that are unlikely to fluctuate with the academic calendar, such as mindfulness, a sense of personal growth, reappraisal, and self-compassion; another is that changes in stress were related to changes in mindfulness, which are likely a direct outcome of the type of training provided.

Another limitation is the lack of long-term follow-up. It would be good to examine how long these effects last, if they lead to demonstrable effects in other classes (we did not attempt in our study to examine whether mindfulness training impacted law students' academic performance as measured by their grades/GPA), and particularly if the new skills are deployable in the hectic busyness of an actual law office.

Our study is also limited by small sample size and the challenge of motivating law students to take the time to participate in a research study.

CONCLUSION

“There are three Things extreamly hard, Steel, a Diamond and to know one’s self.” — Benjamin Franklin¹⁶⁵

Research demonstrates that law students and lawyers today face significant mental health challenges; many are chronically stressed and anxious. The law students we will have in the decade to come are likely to be so as well; undergraduate respondents in a recent, large national survey reported high levels of stress, anxiety, and depression.¹⁶⁶ Undergraduates today will become

¹⁶⁴ See NATIONAL TASK FORCE REPORT, *supra* note 5, at 40 (recommending regular anonymous surveys related to student well-being).

¹⁶⁵ *Poor Richard Improved, 1750*, NAT'L ARCHIVES: FOUNDERS ONLINE, <https://founders.archives.gov/documents/Franklin/01-03-02-0176> [<https://perma.cc/F32D-SMRD>] (citing 3 THE PAPERS OF BENJAMIN FRANKLIN 437–56 (Leonard W. Labaree ed., 1961)) (misspelling of “extreamly” in original; quotation found under January. XI Month).

¹⁶⁶ AMERICAN COLLEGE HEALTH ASSOCIATION, NATIONAL COLLEGE HEALTH ASSESSMENT: UNDERGRADUATE STUDENT REFERENCE GROUP, EXECUTIVE SUMMARY 2, 5 (2019), https://www.acha.org/documents/ncha/NCHA-IL_SPRING_2019_UNDERGRADUATE_REFEREN CE%20_GROUP_EXECUTIVE_SUMMARY.pdf [<https://perma.cc/GS5P-5K45>] (in recent survey of nearly 55,000 undergraduate students, students reported that their academic performance had been adversely affected in the last 12 months by: anxiety (29.5 percent), depression (21.6 percent), sleep difficulties (24.3 percent), and stress (36.5 percent); these mental health challenges affected students' academic performance much more than any other

the law students of tomorrow. The current crisis in mental health on campuses must be addressed systematically and institutionally for the long term to ensure students' future success.

Law schools have a critical role to play in helping students develop strong coping strategies for the inevitable pressures of the legal profession, and it is imperative that they do so if their students are to become competent lawyers. Maintaining one's health and well-being is the foundation for professional competence. As the *National Task Force Report* flatly stated, "To be a good lawyer, one has to be a healthy lawyer."¹⁶⁷

The results of our study of the impact of mindfulness training on law students are consistent with other research findings on the effects of mindfulness.¹⁶⁸ Our study has shown positive benefits in terms of decreasing perceived stress and increasing personal well-being. These effects include increases in ability to focus attention; reappraise situations; be in a better mood; and show self-compassion, self-acceptance, and personal growth—all aspects of self-awareness and mindfulness which support the "soft" skills that are as important for professional success as the intellectual skill of legal analysis ("thinking like a lawyer") that traditionally has been the focus of legal education.¹⁶⁹

Law schools should develop mindfulness training either in extracurricular programs available to all law students or for-credit elective courses that explore in-depth how the skills, traits, and values of competent lawyers can be promoted through mindfulness and other self-reflective practices. Mindfulness training should not be an isolated offering, however. It should be integrated into a much larger and well-designed institutional curriculum that offers a variety of resources for law students, creates a culture of wellness in legal education, and

factors including physical health; next highest percentage was 16.4 percent for cold/flu/sore throat).

¹⁶⁷ NATIONAL TASK FORCE REPORT, *supra* note 5, at 1.

¹⁶⁸ VERHAEGHEN, *supra* note 26, at 134–36, 159–161.

¹⁶⁹ See KISER, *supra* note 4, at 8–9, 21, 32 (describing the shift in business, government, education and non-profit leaders' views of competency as "technical mastery" in past decades to today when they identify as most important the "soft skills: adaptability/versatility, effective communication, learning agility, multicultural awareness, self-motivation/discipline, and collaboration"; identifying soft skills that enhance attorney performance as "self-awareness, self-development, social proficiency, wisdom, leadership, and professionalism"; and concluding from surveys that "both attorneys and clients indicate that soft skills are more important than hard skills"); see also IAALS FOUNDATIONS FOR PRACTICE, *supra* note 77, at 8–9, 11–12, 26 (compared to the top ten professional qualities considered necessary for new attorneys right out of law school (including aspects of professionalism, emotional and interpersonal intelligence, communication skills, and characteristics like trustworthiness and diligence), respondents ranked less highly as necessary for new lawyers the skills that legal education has traditionally focused on: legal thinking and application (including legal research, case analysis and statutory interpretation, and identifying legal issues) and litigation skills (including drafting pleadings, motions, and briefs and obtaining written discovery)).

systematically cultivates health and well-being throughout students' years in law school.