

## The BackPage

News for Associates and Young Lawyers

### Some Attorneys See Meditation as Relief From Stress of Law Practice *Adversarial Attitudes May Not Produce the Best Result*

BY THOMAS ADCOCK

**A** VANGUARD of “contemplative lawyers,” as they call themselves, is coming to champion a small revolution in the business and study of the law: daily meditation for personal and professional fulfillment in a calling that is highly prone to stress and career burnout.

The meditation movement has a manifesto of sorts, a long disquisition in the spring 2002 issue of the Harvard Negotiation Law Review entitled “The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers and Their Clients,” by Professor Leonard L. Riskin of the University of Missouri-Columbia School of Law.

Lawyers in New York who meditate daily — including those at a small Buffalo firm who engage in group meditation each Monday at noon — have long extolled the healthful benefits of contemplation, pointing to positive studies published in medical journals. The current issue of Time magazine brings this solid evidence to the mass market in a cover story that proclaims of the ancient self-healing art:

“Scientists study it. Doctors recommend it. Millions of Americans — many of whom don’t even own crystals — practice it every day. Why? Because meditation works.”

In his Harvard paper, Professor Riskin proposed meditation as an antidote to his two paramount concerns: high levels of debilitating stress among lawyers and law

students, and the related tendency of those who suffer stress to give bad legal advice.

“These problems stem in part from certain narrow, adversarial mind-sets that tend to dominate the way most lawyers think and most legal education is structured,” wrote Professor Riskin. Such mind-sets, he added, “tend to promote egocentric behavior, excessive adversarialism, and a lack of balance between personal and professional aspects of life, which often lead to unhealthy levels of stress, to experiences of isolation, emptiness and absence of meaning, and to the rendering of inadequate or inappropriate services.”

#### Center of Life and Practice

Long Island attorney Arnie Herz, who began meditation at the age of 20, said his life and practice now center around the 15 to 60 minutes he spends each morning deeply entrenched in private thought.

“When we’re engaged in legal problems, we’re dealing with emotionally charged people who are impulsive and reactive,” said Mr. Herz, a solo practitioner in Port Washington who was formerly a sports law associate at Weil, Gotshal & Manges. “Rather than being a gladiator for someone’s heightened emotions, there’s a more effective way of lawyering: help your client get centered, and get them to look at their longer-term life interests away from the immediate problem they’re facing.”

Mr. Herz said it takes him about 90 minutes to explain to an impulsive client



NYLJ PHOTO/RICK KOPSTEIN

**Arnie Herz begins each day of his solo practice in Port Washington with at least 15 minutes of meditation. “It gives you control over emotion,” he said. “It gives you choice. You’re more in control of your decisions and your life.”**

that his approach is “not about shying away from a fight, but being clear on what we want.”

Harold J. Reynolds, a former court attorney now in solo practice in Westchester County, likened the process of clear thinking to a cinematic experience.

“You sit, you close your eyes, you concentrate,” said Mr. Reynolds. “You turn your mind inwardly, and you look upon your thoughts almost as if they were on a movie screen.

“There will be all kinds of thoughts,” he said. “You look at them, and just by doing so you can untie them [from emotional reaction] and they disappear.”

Meditation leads to a nearly automatic habit of reflection, said Mr. Reynolds, which has obvious relevance to lawyering.

"You don't have to walk around screwed up," he said. "Instead, you can be immediately aware of your thoughts, and let the negative ones go. If you give too much time to negativity, you'll go right off the crazy sleigh we're riding."

### Weekly Group Meditation

David Pfalzgras and Charles Beinhauer, partners at the Buffalo firm Renda, Pares & Pfalzgras, instituted a weekly group meditation session five years ago.

"It's been our experience that when we slow down our practice and our lives a little bit, we get much more accomplished on a daily basis," said Mr. Pfalzgras, who said that at least four of his firm's seven lawyers take part in the weekly sessions. "It's a good way to get the week going right."

Ray M. López, director of the Lawyer Assistance Program for the New York State Bar Association, would encourage more firms to follow the example of Renda Pares.

"When you slow down for a short time on a regular basis, you reduce stress, which is helpful both physically and mentally," said Mr. López. "When people are stressed, they may think they can do a lot, but they're limited — they're impaired. That's what lawyers have to realize. If you don't take care of your health, you're going to be undone."

Although Mr. López regularly counsels individual attorneys, informal groups of lawyers and law schools on the benefits of meditation, he said has been asked for such advice by "maybe five law firms" in the 13 years of his program's existence.

Likewise, Eileen Travis, director of the Lawyers Assistance Program at the Association of the Bar of the City of New York, has been asked by exactly one Manhattan firm for advice on meditation.

"There is a lot of institutional denial about the stress level," said Ms. Travis. No

matter the welter of well-known studies of stress in the legal profession, and now the emerging general knowledge of meditation's benefits to the profession, Ms. Travis said the institutional attitude remains, "You're a lawyer, you're smart, you've got everything on the ball. How could you possibly need help?"

One such smart lawyer, a young in-house counsel who asked to remain anonymous, just returned to her office after a brief summer's vacation. Just like all other first days back on the job, "I tell myself — Okay, I'm not going to let stress get to me again, I'm going to carve out time for meditation. Then I never do.

"We don't do anything [about stress] because we don't admit it," she added. "I don't think lawyers want to go on record saying they're stressed. I'm a litigator basically. I'm supposed to be able to cut it."

Her days as a student at Brooklyn Law School began the stress. "My relationship suffered," she said, speaking of the man who became her husband. "Maybe it was a good thing he lived in another state at the time."

### Meditation and Yoga

At the City University of New York School of Law, meditation and yoga instruction have long been available to students and faculty under the direction of Frederick P. Rooney, director of CUNY Law's Community Legal Resource Network.

Until scientists published the medical benefits of meditation, said Mr. Rooney, "It was considered a waste of time and people laughed at it."

But now with more and more lawyers and law schools open to meditation, "We're seeing a bridge between what was once mystical to what is now practical," said Jeanne Anselmo, a nurse by profession who is coordinator of CUNY Law's community urban program. "The kind of 24/7 mentality that lawyers are machines is antithetical to the way things are. People have circadian rhythms, people need down time."

Down time need not take long, said Ms.

Travis. "You can just start by relaxing for five or 10 minutes by closing the door to your office and not taking any calls," she said. "Or get out and walk around the block."

In the interest of dramatic practical benefit for clients, Mr. Herz, the Long Island solo, advocates the formal approach. He often tells the story of a contentious client whose former business rival bought him out with a consultant contract that included a non-compete clause. When the relationship ultimately soured, the contentious client was eager to litigate — damn the cost.

Mr. Herz told his client the case for litigation was solid, but that it would force the defendant to bankruptcy. Mr. Herz then found that what his client really wanted — beyond the satisfaction of a lawsuit — was a way out of the non-compete clause. Mr. Herz suggested negotiation with the greater goal in mind.

"His face turned red, his neck veins popped out, he looked like he was ready for a bar fight," Mr. Herz said of the client. "He said, 'What are you talking about? I want to sue.' I told him he didn't have the strength to control his anger, which was the only thing separating him from what he wanted."

Three weeks later, Mr. Herz negotiated a deal at a fraction of the cost of litigating. The company remained in business in return for dropping the no-compete clause. The client, said Mr. Herz, now makes "more money than ever."

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