

ROOT TO RISE: MINDFUL LAWYERING FOR SOCIAL JUSTICE

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ABSTRACT

This article presents a new lens through which lawyers and law students can engage with the ever-growing field of mindfulness and contemplative law practice. Since the early 2000s, mindfulness has moved from the margins to the center, gaining momentum across multiple areas of legal practice including conflict resolution, mediation, trial advocacy, and therapeutic jurisprudence, among others. But the dominant approach to contemplative practice and pedagogy has yet to meaningfully explore the connection between mindfulness and transformative social change. This article seeks to fill that void. Rather than continue to associate—and often isolate—mindfulness as individualized, this article decenters the identity of “mindfulness and law” from the individual and expands it into the collective. Specifically, this article re-envision social justice lawyering through the lens of yogic practices. It seeks to reveal how the Eight Limbs of Yoga can expand the domains in which social justice lawyers act and how mindfulness can nurture the growth of both the individual and the collective. Rather than expound a “universal” theory, this article proposes one possibility for understanding mindful social justice lawyering aimed at redefining the contours and meaning of contemplative legal practice, with the goal of expanding the ontology of the contemplative law movement. Instead of simply looking at one layer, experience, or relationship, mindful lawyers and law students should develop a practice that is grounded in approaching others with dignity and respect—one which promotes equality and inclusion, resists subordination, and fosters self-expression and self-determination.

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I. INTRODUCTION

This article considers a new way to explore, contextualize, expand, and reinterpret the contemplative law movement.¹ While not aimed at offering a universal or prescriptive theory for mindful lawyering—which would be antithetical to contemplative practice—it proposes a vision of mindful lawyering that centers on promoting equality and human dignity, transforming

1. I acknowledge that contemplative or mindful lawyering is not homogenous in its practices, forms, and foundations. As such, I use this term to capture a diversity of practices such as mindfulness meditation, mindful listening, mindful walking, reflective journaling, reflective inquiry, dialogue, yoga, qi gong, or tai chi. See Rhonda V. Magee, *Educating Lawyers to Meditate*, 79 *UMKC L. REV.* 535, 547 (2010) [hereinafter Magee, *Educating Lawyers*]. Similarly, scholars and practitioners have incorporated the term “mindfulness” and its related practices into multiple strands of legal practice and theory, such as therapeutic jurisprudence, conflict resolution, mediation, and trial advocacy. See *id.* at 547–55 (describing the growth of the movement and the diverse areas of mindfulness application); see, e.g., SUSAN SWAIM DAICOFF, *COMPREHENSIVE LAW PRACTICE* (2011); Deborah J. Cantrell, *Can Compassionate Practice Also be Good Practice?: Answers From the Lives of Buddhist Lawyers*, 12 *RUTGERS J. L. & RELIGION* 1, 48 (2010); David M. Zlotnick, *Integrating Mindfulness Theory and Practice Into Trial Advocacy*, 61 *J. LEGAL EDUC.* 654, 659–64 (2012).

relationships, and dismantling systems that institutionalize privilege and discrimination. Such a construction of mindful lawyering aligns with extensive literature that has challenged and catalyzed lawyers and law students to disrupt traditional notions of legal practice over the last few decades.² Even in light of this robust discourse among theorists, clinicians, and practitioners, a complementary body of work has not emerged in the field of contemplative

2. The literature of this movement is extensive and has been theorized as rebellious lawyering, third dimensional lawyering, collaborative lawyering, democratic lawyering, social justice lawyering, and community lawyering. Gerald López is considered the seminal author in the field. See GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992) [hereinafter LÓPEZ, *REBELLIOUS LAWYERING*]; see also Gerald P. López, *An Aversion to Clients: Loving Humanity and Hating Human Beings*, 31 HARV. C.R.-C.L. L. REV. 315 (1996); Gerald P. López, *Keynote Address: Living and Lawyering Rebelliously*, 73 FORDHAM L. REV. 2041 (2005); Gerald P. López, *Reconceiving Civil Rights Practice: Seven Weeks in the Life of a Rebellious Collaboration*, 77 GEO. L.J. 1603 (1989); Gerald P. López, *Shaping Community Problem Solving Around Community Knowledge*, 79 N.Y.U. L. REV. 59 (2004); Gerald P. López, *The Work We Know So Little About*, 42 STAN. L. REV. 1, 1–13 (1989); Gerald P. López, *Lay Lawyering*, 32 UCLA L. REV. 1, 1–60 (1984); Gerald P. López, *A Rebellious Philosophy Born in East L.A.*, in *A COMPANION TO LATINA/O STUDIES* 240–50 (Juan Flores & Renato Rosaldo eds., 2007); Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305 (1989). López's work on "rebellious lawyering" has given rise to a significant discourse regarding community legal practice. See, e.g., Jane H. Aiken, *Provocateurs for Justice*, 7 CLINICAL L. REV. 287, 288 (2001); Anthony V. Alfieri, *The Antinomies of Poverty Law and a Theory of Dialogic Empowerment*, 16 N.Y.U. REV. L. & SOC. CHANGE 659 (1987–88); Anthony V. Alfieri, *Faith in Community: Representing "Colored Town"*, 95 CAL. L. REV. 1829 (2007); Anthony V. Alfieri, *Community Education and Access to Justice in a Time of Scarcity: Notes From the West Grove Trolley Case*, 2013 WIS. L. REV. 121; Anthony V. Alfieri, *Educating Lawyers for Community*, 2012 WIS. L. REV. 115; Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLINICAL L. REV. 355 (2008); Sameer M. Ashar, *Public Interest Lawyers and Resistance Movements*, 95 CAL. L. REV. 1879 (2007); Christine Zuni Cruz, *[On the] Road Back in: Community Lawyering in Indigenous Communities*, 5 CLINICAL L. REV. 557 (1999); Luke W. Cole, *Empowerment as the Key to Environmental Protection: The Need for Environmental Poverty Law*, 19 ECOLOGY L.Q. 619 (1992); Sheila Foster, *Justice from the Ground Up: Distributive Inequities, Grassroots Resistance, and the Transformative Politics of the Environmental Justice Movement*, 86 CAL. L. REV. 775 (1998); Jennifer Gordon, *The Lawyer Is Not the Protagonist: Community Campaigns, Law, and Social Change*, 95 CAL. L. REV. 2133 (2007); Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, the Workplace Project, and the Struggle for Social Change*, 30 HARV. C.R.-C.L. L. REV. 407 (1995); Bill Ong Hing, *Coolies, James Yen, and Rebellious Advocacy*, 14 ASIAN AM. L.J. 1 (2007); Shauna I. Marshall, *Mission Impossible?: Ethical Community Lawyering*, 7 CLINICAL L. REV. 147 (2000); Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427 (2000); Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLINICAL L. REV. 541 (2006); William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N.U. L. REV. 455 (1995); Lucie E. White, *Collaborative Lawyering in the Field? On Mapping Paths from Rhetoric to Practice*, 1 CLINICAL L. REV. 157 (1994); Lucie E. White, *Facing South: Lawyering for Poor Communities in the Twenty-First Century*, 25 FORDHAM URB. L.J. 813, 822–29 (1998); Lucie E. White, *Goldberg v. Kelly on the Paradox of Lawyering for the Poor*, 56 BROOK. L. REV. 861 (1990); Lucie E. White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L. & SOC. CHANGE 535 (1988); Lucie E. White, *Panel III: Creating Models for Progressive Lawyering in the 21st Century*, 9 J.L. & POL'Y 297, 303–20 (2001); Lucie E. White, *The Power Beyond Borders*, 70 MISS. L.J. 865, 874–76 (2001); Lucie White, *Representing "The Real Deal"*, 45 U. MIAMI L. REV. 271 (1990–91); Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 BUFF. L. REV. 1 (1990).

lawyering. This absence creates a unique opportunity to consider the evolving construction of mindful lawyering. By re-envisioning social justice lawyering through the lens of mindfulness³—specifically, yogic practices—I aim to show not only how yogic practices can expand the domains in which social justice lawyers see themselves acting, but also how a practice of mindfulness nurtures the growth of both the individual and the collective. I will argue that truly “mindful” social justice lawyers encourage clients to organize, connect, and work for power and change extra-systemically as well as intra-systemically.⁴ Further, in operating from a space of mindfulness through both words and actions, social justice lawyers can bring heightened attention to the elements of the attorney-client relationship that might perpetuate oppression and subordination.

From this position, the article intends to contribute to a diverse and interdisciplinary body of scholarship that broadly considers the intersection between contemplative practices and law and, more importantly, add a new dimension to the discourse. Thus, it has two goals. First, it positions legal practice as relational. By this I mean a formal practice not solely concerned with responding to legal wrongs, but rather seeking to respond to the harms and effects that legal practice can have on relationships at multiple levels: the lawyer with self, the lawyer with client, the lawyer with community, and the lawyer with systems of justice. This layered conception of legal identity as relational is integral to reinforcing the ideas that collective struggles and commitments are at the foundation of lasting social change. Second, it aims to show more specifically how yoga—as an embodied lived practice—offers principles that can define, guide, and ground social justice legal practice in larger social, political, and ethical spaces.

The article progresses in two parts. Part II briefly describes the emergence and contours of the contemplative law movement. It reviews key contributions to the movement by scholars such as Leonard Riskin, Rhonda Magee, and Scott Rogers and pays particular attention to the work of Angela Harris, Margaretta Lin, and Jeff Selbin. Part III situates yoga and social justice lawyering practices in direct conversation with each other. To do this, the article engages *The Yoga Sutras of Patañjali* (“*Yoga Sutras*”),⁵ paying particular attention to how the

3. The intersection of community lawyering and mindfulness practice first reached mainstream legal audiences when Angela Harris, Margaretta Lin, and Jeff Selbin published a case study on the use of engaged Buddhist principles and practices in advocacy in Oakland, California. Angela Harris, Margaretta Lin & Jeff Selbin, *From “The Art of War” to “Being Peace”*: *Mindfulness and Community Lawyering in a Neoliberal Age*, 95 CAL. L. REV. 2073 (2007).

4. Mindful social justice lawyering emphasizes relationships over processes. As Harris, Lin, and Selbin note, “mindfulness provides a framework for thinking about how individual action is tied to group process, how group process connects to institutionalized relations of power, and thus how transformational change at the interpersonal level is linked to transformational change at the regional, national, and global levels.” *Id.* at 2076.

5. PATAÑJALI, *THE YOGA SUTRAS OF PATAÑJALI* (Sri Swami Satchidananda trans., 2012) [hereinafter PATAÑJALI, *YOGA SUTRAS* (Satchidananda trans.)].

Eight Limbs of Yoga, the principles that guide and ground yogic practice,⁶ can lead social justice lawyers to a deeper understanding of identity, solidarity, justice, equality, dignity, and respect. For example, it asks how one might look to the principle and practice of *ahimsa*⁷ (non-violence) to consider the language one uses when navigating the complexities of difference. When legal practice is viewed from this intersectional dimension, yogic practice connects, rather than separates, ideas of “working for justice” and “living justly.”

This article does not suggest that transformation in inward understanding and outward expression of relationships will occur after a single yoga pose (*asana*) or even after years of following the principles and practices set forth in the *Yoga Sutras*. Such transformation occurs instead when one begins to be able to step on and off “the mat” with the presence of mind to navigate the complex and contradicting forces of social justice lawyering.

Consider the following example. Instead of hearing the often repeated phrase in a yoga class “root to rise” as only a signal of transition from one pose to the next in *that* moment, view it as a commitment to being rooted in a transformational practice that moves towards a vision of collective liberation. In this way, the cultivation of mindfulness through yoga becomes a “revolutionary force” if embedded within social, legal, and political movements “that target oppressive systems.”⁸ In some instances a “revolutionary force” will be concretized in words and actions, i.e., approaching legal problems as co-eminent practitioners with clients rather than adhering to strict hierarchical attorney-client relationships,⁹ and in others a more fluid expression of anti-oppression work and acts of solidarity as an ally.

6. See Edwin Bryant, *The Yoga Sutras of Patañjali*, INTERNET ENCYCLOPEDIA OF PHILOSOPHY, <http://www.iep.utm.edu/yoga/> [<https://perma.cc/9Y84-FZAL>] (“The tradition of Patañjali in the oral and textual tradition of the Yoga Sūtras is accepted by traditional Vedic schools as the authoritative source on Yoga, and it retains this status in Hindu circles into the present day.”); see also CHARLOTTE BELL, *MINDFUL YOGA MINDFUL LIFE: A GUIDE FOR EVERYDAY PRACTICE* 51 (2007) (explaining how the Eight Limbs of Yoga “relate to each other” and “address all aspects of practice”).

7. See discussion *infra* Part III.B.1.a.

8. See Angela Davis, Address at the East Bay Meditation Center, *Mindfulness and the Possibility of Freedom: Angela Davis and Jon Kabat-Zinn in Dialogue* (Jan. 15, 2015); James K Rowe, *Zen and the art of social movement maintenance*, TRANSFORMATION (Mar. 27, 2015), <https://www.opendemocracy.net/transformation/james-k-rowe/zen-and-art-of-social-movement-maintenance> [<https://perma.cc/A43V-RALF>]; see also Harris, Lin & Selbin, *supra* note 3, at 2129 (“[A] mindfulness practice assists lawyers in understanding the place of their work in the larger struggle for peace and justice.”); Jacoby Ballard & Karishma Kripalani, *Queering Yoga, in* YOGA, THE BODY AND EMBODIED SOCIAL CHANGE: AN INTERSECTIONAL FEMINIST ANALYSIS 306 (Beth Berila, Melanie Klein, & Chelsea Jackson Roberts, ed., 2016) (“Chelsea Jackson Roberts of Atlanta likens yoga to a revolution, saying, “It really is when you’re taking an entire practice that is hundreds of thousands of years old and using it as a tool to resist oppression, a tool to feel liberated.” It is in this way that our practice changes the world, not by adding to the violence, but meeting harm with care, attention, and clarity, and an intention to transform the moment.”).

9. See, e.g., LÓPEZ, *REBELLIOUS LAWYERING*, *supra* note 2, at 66.

II.

THE CONTEMPLATIVE LAW MOVEMENT

A. Origins: Integrating Mindfulness Into Practice and Pedagogy

Over the last twenty-five years, a small but growing number of legal practitioners and academics have been integrating mindfulness into legal practice and pedagogy.¹⁰ As contemplative law scholar Rhonda Magee has noted, the first wave of the mindfulness movement began in 1989 when Jon Kabat-Zinn offered a program in mindfulness-based stress reduction for judges, which was followed by similar trainings for mediators.¹¹ Ten years later, the American Bar Association published Steve Keeva's book, *Transforming Practices: Bringing Joy and Satisfaction to the Legal Life*, which identified the efforts of lawyers to integrate contemplative practices into the profession.¹² In 2002, the movement garnered mainstream attention when the Harvard Negotiation Law Review hosted a symposium on mindfulness meditation and alternative dispute resolution and published Leonard Riskin's seminal piece, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*.¹³ In the article, Riskin argued that meditation is essential to the development of alternative skills (personal and professional) needed for a sustained and effective practice.¹⁴ Since then, mindful legal practice has received significant scholarly¹⁵ and professional attention.¹⁶

10. See Magee, *Educating Lawyers*, *supra* note 1, at 548–55 (discussing the development of the contemplative law movement over the last 25 years); Leonard L. Riskin, *Awareness and the Legal Profession: An Introduction to the Mindful Lawyer Symposium*, 61 J. LEGAL EDUC. 634, 635–39 (2012) (outlining the nature and meaning of mindfulness in legal education); Scott L. Rogers & Jan J. Jacobowitz, *Mindful Ethics and the Cultivation of Concentration*, 15 NEV. L.J. 730, 730–32 (2015) (presenting the connection between mindfulness and professional responsibility); Scott L. Rogers, *The Mindful Law School: An Integrative Approach to Transforming Legal Education*, 28 TOURO L. REV. 1189 (2012) (describing how the University of Miami School of Law has integrated mindfulness into its curriculum); *see also* Tamara L. Kuennen, *The M Word*, 43 HOFSTRA L. REV. 325, 328–34 (2014) (exploring mindfulness and clinical legal education); Leonard L. Riskin & Rachel Wohl, *Mindfulness in the Heat of Conflict: Taking STOCK*, 20 HARV. NEGOT. L. REV. 121, 136–44 (2015) (describing mindfulness conflict resolution education, training and practice).

11. Magee, *supra* note 1, at 548–49.

12. STEVEN KEEVA, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE*, at xxi (1999).

13. 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, 2 n.† (2002).

14. *See id.* at 1 *passim*.

15. *See supra* notes 3, 6; *see, e.g.*, Rhonda V. Magee, *Contemplative Practices and the Renewal of Legal Education*, in *NEW DIRECTIONS FOR TEACHING AND LEARNING: CONTEMPLATIVE STUDIES IN HIGHER EDUCATION* 31 (Linda A. Sanders ed., 2013) [hereinafter Magee, *Contemplative Practices*]; Charles Halpern, *The Mindful Lawyer: Why Contemporary Lawyers are Practicing Meditation*, 61 J. LEGAL EDUC. 641 (2012); Van M. Pounds, *Promoting Truthfulness in Negotiation*, 40 WILLAMETTE L. REV. 181 (2004); Richard C. Reuben, *Bringing Mindfulness Into the Classroom: A Personal Journey*, 61 J. LEGAL EDUC. 674 (2012); Leonard L. Riskin, *Awareness*

The emergence of contemplative practices within legal education has not been isolated. Legal academics have looked to interdisciplinary social science research on the benefits of mindfulness, as well as engaged in pedagogical approaches that connect law students with new ways of thinking, listening, writing, and engaging in society.¹⁷ While much of the early pedagogical work was done in courses associated with individualized wellbeing, the need for curricula that integrated contemplative practices became apparent after the

and Ethics in Dispute Resolution and Law: Why Mindfulness Tends to Foster Ethical Behavior, 50 S. TEX. L. REV. 493 (2009); Leonard L. Riskin, *Mindfulness: Foundational Training for Dispute Resolution*, 54 J. LEGAL EDUC. 79 (2004); Rogers, *The Mindful Law School*, *supra* note 10; Stephanie M. Wildman, *In Honor of Angela Harris: Finding Breathing Space, Embracing the Contradictions, and "Education Work,"* 47 U.C. DAVIS L. REV. 1047 (2014); Zlotnick, *supra* note 1.

16. See, e.g., Jennie Bricker, *Be Still, My Brain*, 75 OR. ST. B. BULL. 19 (2015); J. Patton Hyman, *The Mindful Lawyer: Mindfulness Meditation and Law Practice*, 33 VT. B.J. 40 (2007); Steven Keeva, *A Mindful Law Practice: Lawyers Stay Calm and Focused with the Help of a Meditation Technique*, 90 A.B.A. J. 78 (2004); Katerina P. Lewinbuk, *Mindfulness Meditation: Is the Practice a Saving Grace for Law Students?*, 78 TEX. B.J. 454 (2015); Matthew Moore, *Anxiety Relief: How to Combat Stress and Anxiety Through Mindfulness Meditation*, 83 J. KAN. B. ASS'N. 14 (2014); Scott L. Rogers, *What Do We Want? Mindfulness in Law!*, 62 LA. B.J. 268 (2015); J.E. (Buddy) Stockwell, *Mindfulness Reduces Stress*, 62 LA. B.J. 374 (2015); Dyan Williams, *The Practice of Being: Mastering Stress & Finding Meaning as a Lawyer*, 67 BENCH & B. MINN. 26 (2010); Jeena Cho, *Why Every Lawyer Should Be Practicing Mindfulness (Part I)*, ABOVE THE LAW (Apr. 20, 2015), <http://abovethelaw.com/2015/04/why-every-lawyer-should-be-practicing-mindfulness-part-i/> [<https://perma.cc/XU47-XD4V>]; Becky Beaupre Gillespie, *Mindfulness in Legal Practice Is Going Mainstream*, A.B.A. J. (Feb. 1, 2013), http://www.abajournal.com/magazine/article/mindfulness_in_legal_practice_is_going_mainstream [<https://perma.cc/J6AS-U8T7>]; Rhonda V. Magee, *Life experience and cognitive science deepen the case for mindfulness in the law*, A.B.A. J. (Jan. 1, 2016), http://www.abajournal.com/magazine/article/experience_and_cognitive_science_deepen_the_case_for_mindfulness_in_the_law [<https://perma.cc/79TL-3Q84>]; Martha Neil, *Goodbye Rambo, Hello 'Mindfulness': More Lawyers Embrace Zen-Inspired Techniques*, A.B.A. J. (Jun. 19, 2015), http://www.abajournal.com/news/article/goodbye_rambo_hello_mindfulness_more_lawyers_embrace_zen_inspired_technique [<https://perma.cc/YAY7-923R>]; THE MINDFUL LAWYER, <http://themindfullawyer.com> [<https://perma.cc/ZCB5-5RR6>]; Barry Boyce, *The Law of Mindfulness*, MINDFUL (Aug. 26, 2010), <http://www.mindful.org/the-law-of-mindfulness/> [<https://perma.cc/LGE9-VDT9>].

17. See, e.g., Nathalie Martin, *Think Like a (Mindful) Lawyer: Incorporating Mindfulness, Professional Identity, and Emotional Intelligence into the First Year Curriculum*, 36 U. ARK. LITTLE ROCK L. REV. 413, 417–23 (2014) (describing the effects of mindfulness and emotional intelligence); Rogers, *The Mindful Law School*, *supra* note 10 (presenting a model for curricular integration of mindfulness); Scott L. Rogers, *The Role of Mindfulness in the Ongoing Evolution of Legal Education*, 36 U. ARK. LITTLE ROCK L. REV. 387, 387 (2014) (describing both the practice and science of mindfulness and noting: “Known as ‘mindfulness,’ this ancient practice is finding modern day application and scientific support that has resulted in law faculty, administrators, and students exploring ways it might be meaningfully integrated it into the law school experience. Doing so, many legal educators believe, can help students cultivate insights, attitudes, and skills that are fundamental to their wellbeing and capacity to learn, and translate into necessary tools as the legal profession, society, and the global community together move into a challenging and exciting era.”).

release in 2007 of the Carnegie Report, a foundational assessment of modern legal education.¹⁸ As Leonard Riskin and Rachel Wohl have highlighted:

[As of 2015, approximately] forty U.S. law schools currently offer mindfulness instruction and practice opportunities, many in for-credit courses. Law firms, legal departments, and bar associations also support mindfulness programs. U.S. law reviews have published about thirty articles on mindfulness in law or dispute resolution. And mindfulness shows up commonly in programs for mediators, negotiators, lawyers, and law professors. Major national conferences on mindfulness in law or legal education have taken place at Harvard Law School and at the University of California-Berkeley.¹⁹

As a movement, contemplative or mindful lawyering continues to center on the individual,²⁰ with scant attention on how such practices can be embedded in, shape, and be shaped by community-based and social justice legal practice. While a handful of scholars²¹ have rejected this construction, the mainstream

18. The Carnegie Report explains that legal education should include theory, ethics, and practical skills. See WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007), http://archive.carnegiefoundation.org/pdfs/elibrary/elibrary_pdf_632.pdf [<https://perma.cc/RGR3-SS5U>]; Magee, *Educating Lawyers*, *supra* note 1, at 538 (describing the Carnegie Report as a “success in calling for self-reflective lawyers”).

19. Riskin & Wohl, *supra* note 10, at 136 (footnotes omitted); see, e.g., SCOTT ROGERS, *MINDFULNESS FOR LAW STUDENTS: USING THE POWER OF MINDFUL AWARENESS TO ACHIEVE BALANCE AND SUCCESS IN LAW SCHOOL* (2009); *Law Student Groups*, THE MINDFUL LAW STUDENT, <http://themindfullawschool.com/law%20school%20groups/index.html> [<https://perma.cc/BGT5-UVTW>] (student mindfulness groups have developed at schools such as Berkeley Law, University of San Francisco Law, Miami Law, University of Missouri School of Law, Vanderbilt Law, and Golden Gate Law School).

20. See, e.g., *supra* notes 3, 10, and 15–17.

21. See, e.g., Alfieri, *Educating Lawyers for Community*, *supra* note 2, at 130–40 (discussing a pedagogy of community and public citizenship grounded in mindfulness and spirituality principles in an outcome-based, rotation curricular model of legal education); Douglas Codiga, *Reflections on the Potential Growth of Mindfulness Meditation in the Law*, 7 HARV. NEGOT. L. REV. 109, 110, 122–23 (2002) (mindfulness meditation offers lawyers “a method for cultivating deeper insights that touch upon the whole lawyer’s life” and have the “potential to connect the day-to-day work of lawyering with insights that provide lasting meaning into perennial questions about human existence”); Angela Harris & Stephanie Wildman, *Toward Lawyering as Peacemaking: A Seminar on Mindfulness, Morality and Professional Identity*, 61 J. LEGAL EDUC. 647, 647–49 (2012); Magee, *Educating Lawyers*, *supra* note 1, at 547 (contemplative practices “provide a bridge to deep reconsideration of how to more meaningfully, ethically, and effectively to practice law in service to clients and community”); Magee, *Contemplative Practices*, *supra* note 15, at 31, 37 (mindfulness pedagogy can begin to address the critiques of legal education by critical race scholars); Nehal Patel, *Why Lawyers Fear Love: Mohandas Gandhi’s Significance to the Mindfulness in Law Movement*, 4 BRIT. J. AM. LEGAL STUD. 251, 274–88 (2015). The idea of mindfulness as a critical pedagogy is not new when one looks outside the legal academy. As Roxana Ng argues, embodied learning is essential as an anti-oppressive pedagogy in higher education. For Ng, such pedagogy dissolves the “boundaries between self and collectivity, between the individual and the system.” Roxanne Ng, *Decolonizing Teaching and Learning Through*

dialogue has not reflected their voices. This has created a significant void in the literature of both theoretical and practical conceptions of mindful lawyering, which as Angela Harris, Margaretta Lin, and Jeff Selbin note, does “more than offer benefits to an individual practitioner.”²²

*B. Expanding the Boundaries of Mindful Lawyering: “From ‘The Art of War’ to ‘Being Peace’”*²³

To go beyond the traditional boundaries of mindfulness and the law, it is essential to discuss the groundbreaking nature of Harris, Lin, and Selbin’s work on mindful community legal practice as a foundation for how “mindfulness can transform lawyers and communities alike as we work together toward a more just and equitable future.”²⁴ While most of their contemporaries in the contemplative law movement were studying the role of mindfulness in the context of individuals, Harris, Lin, and Selbin explored a new way of understanding the connections between legal practice, relationships, power, community struggle, anti-subordination work, and systemic social change.²⁵

In their reflections on the practice of community lawyering, the three scholars were inspired by the principles of “engaged Buddhism” promulgated by Thich Nhat Hanh.²⁶ Drawing on narrative storytelling and their case study of the practices of the East Bay Community Law Center (EBCLC), they presented powerful “lessons learned” regarding economic justice and community lawyering and offered a practical and theoretical framework for mindfulness practice.²⁷ They recognized that the EBCLC’s practices did not “fit comfortably into any one scholarly model,” describing their work as both “institution-

Embodied Learning: Toward an Integrated Approach, in VALENCES OF INTERDISCIPLINARITY: THEORY, PRACTICE AND PEDAGOGY 360–61 (Raphael Foshay ed., 2012). While not the central focus of this article, it is important to draw out the possibility of mindful lawyering as a critical pedagogy. When advanced as a critical pedagogy, mindfulness challenges students to develop not only the legal knowledge to deconstruct issues of power, privilege, and inequality but also an intersectional view of how existing social categories and constructions replicate and perpetuate subordination. Instead of looking at one layer of experiences or relationships, mindful law students and lawyers seek to create new structures and relationships that promote equality and inclusion, resist subordination, foster self-expression and self-determination, respect the intelligence and agency of individuals and communities, and at the most foundational level, ground their work in approaching others with dignity and respect. This translates into different forms of learning that emphasize self-reflection, deconstructs dominant patterns of knowledge production, and connects to historical and contemporary realities of power and privilege.

22. Harris, Lin & Selbin, *supra* note 3, at 2077; *see also* Angela Harris, Remarks at the 2013 Workshop on Mindfulness in Legal Education at Berkeley Law: Reflections on Mindfulness, Social Justice and Diversity, YOUTUBE (June 8, 2013), <https://www.youtube.com/watch?v=HX-FwdahiLg> [<https://perma.cc/4PZU-PQAY>].

23. Harris, Lin & Selbin, *supra* note 3, at 2112.

24. *Id.* at 2077.

25. *Id.* at 2111.

26. *Id.*

27. *Id.* at 2111–32.

building” and “movement-building.”²⁸ In trying to identify a “common thread throughout EBCLC’s work [in] the approach it takes toward reconciling personal and professional roles,” the “best word” they could find was “mindfulness.”²⁹

By examining the many forces at play when one works as a community lawyer, they identified and articulated “three levels on which the practice of mindful lawyering helps challenge domination and facilitates social justice in ways consistent with Buddhist teachings.”³⁰ The first level is the lawyer-self and lawyer-client. The second level concerns the relationship between a community law practice and the community it seeks to serve. The third level concerns the relationship between law and progressive social change. For Harris, Lin, and Selbin, the relational connectivity of mindfulness vis-à-vis engaged Buddhist theory offered an important space from which to shift “the individual practice of paying attention [to] the collective work of peacemaking” and to let go of “the adversarial stance” that often characterizes legal practice.³¹ “It helps us stand aside from—and abandon when necessary—the adversarial stance that so often characterizes not only lawyering, but also organizing and even progressive politics as a whole.”³²

By viewing the experiences of the EBCLC through the lens of engaged Buddhism—with its constant emphasis on mindfulness and social transformation—they positioned *relationships* with clients and the community at the heart of a mindful practice of law. Not simply an internally reflective practice, mindfulness in community practice involves “understanding how structural relations of privilege and oppression affect group dynamics” thereby allowing the lawyer “to shift between different models of representation.”³³ For Harris, Lin, and Selbin, mindful community lawyering does not “dictate a particular relationship between lawyer and client; indeed, it does the opposite. It requires the lawyer to be aware of and intentional about the layers of relationship

28. *Id.* at 2076.

29. *Id.*

30. *Id.* at 2126. When discussing these levels more fully, Harris, Lin, and Selbin identify that effective lawyers “learn how to listen to and communicate with their clients” across difference, power, and privilege, and argue that the “mindful lawyer can learn to be aware of these matrices of power without being defeated by them, and even can learn to employ them in transformative ways.” *Id.* at 2126–27. The development of the capacity to listen across these boundaries reflects awareness of the dynamic relationship between the lawyer-self and the lawyer-client demands. *See id.* at 2127. For example, “attention to the client’s thoughts, feelings, and behavior” cultivates a new awareness of how one may be perceived by others not only when engaging in legal advocacy, but also when attempting to work in solidarity or coalition with others. *Id.* at 2127. When considering lawyer-community, they note that mindfulness is employed to reorient from dominant traits “that leave both lawyers and their community partners disempowered and disengaged” to practices that serve social relationship. *Id.* at 2128. At the third level, lawyer-movement, mindfulness “assists lawyers in understanding the place of their work” as part of larger struggle against subordination and injustice. *Id.* at 2129.

31. *Id.* at 2077.

32. *Id.*

33. *Id.* at 2127.

with the client and situation involved.”³⁴ As such, lawyers take on “very different roles with respect to the people they work alongside, depending on personal, political, and cultural necessities.”³⁵ They can employ mindfulness and the principles of engaged Buddhism to reorient from dominant traits “that leave both lawyers and their community partners disempowered and disengaged” to practices that serve social relationships.³⁶

This shifting emphasis on relationality coupled with a redefined sense of professional identity addressed a “central tension in [their] work: how best to advocate on behalf of subordinated and disenfranchised communities within the existing political economy while holding fast to a clear vision of a more diverse, democratic, egalitarian, transparent, and participatory civic life.”³⁷ In the end, the power of Harris, Lin, and Selbin’s approach lays in its ability to not only navigate questions of community practice and mindfulness but also to open up a space for discourse regarding the transformation of individuals and communities engaged in practices of social and legal change.³⁸

III.

YOGA AND SOCIAL JUSTICE LAWYERING: FROM PRACTICE TO *PRAXIS*

A. Beyond a Physical Practice: Advancing a Broader Understanding of Yoga for Social Justice Lawyering

Before it is possible to bring yoga and social justice lawyering into conversation with each other, it is necessary to more fully introduce the practice of yoga itself and to define how this article understands and presents yoga. Contemporary Western yoga practice is widely perceived as the performance of physical yoga postures. This is a limited understanding of yoga as a somatic practice. With the word “yoga,” Patañjali describes a process that connects the self in relationship to the internal and external.³⁹ Defining yoga—like defining authentic, effective, and progressive legal practice despite decades of scholarship—is a difficult task. Its origins are four thousand years old; over time it has branched into numerous paths and continues to evolve to this day.⁴⁰

34. *Id.* at 2115–16.

35. *Id.* at 2077.

36. *Id.* at 2128.

37. *Id.* at 2077.

38. *See, e.g.,* Magee, *supra* note 1, at 552 (viewing the publication of Harris, Lin, and Selbin’s 2007 article as “an important turning point,” one that set “forth an approach to contemplative law that embodies high aspirations for its contributions to positive social change”).

39. *See* Bryant, *supra* note 6; *see also* Ballard & Kripalani, *supra* note 8, at 298 (“Yoga is a malleable signifier—what one person means by ‘yoga’ is not necessarily what another understands as yoga. A contemporary social product as well as site of personal praxis, its own history of evolution in India challenges simplistic boundaries of ‘authenticity.’”).

40. *See generally* STEPHANIE SYMAN, *THE SUBTLE BODY: THE STORY OF YOGA IN AMERICA* (2010) (describing the history and evolution of yoga practice in the United States); Bryant, *supra*

Classical yoga suggests a methodical practice, the *Yoga Sutras*, aimed at healing by reconnecting the mind and body.⁴¹ People often perceive yogic practices, including meditation, as solely individual practices. Yet one can also undertake these practices to promote positive social and personal developments that benefit the greater community. The concern for the social welfare of both the world and its people is, in fact, essential to the practice of yoga—and, historically, yoga and mindfulness meditation have been instrumental in facilitating social change.⁴²

In this broader understanding, yoga is an embodied practice that establishes a space from which one can develop a capacity to critically self-reflect, connect to historical and contemporary realities of power and privilege, and foster individual and collective empowerment. As one brings greater awareness to these capacities, the subsequent transformation reflects what bell hooks provocatively calls, “releas[ing] the attachment to dominator thinking and practice.”⁴³

As legal scholars have argued, the development of such capacities is not merely a theoretical exercise; rather, it is essential for attorneys to build bidirectional and accountable relationships with clients⁴⁴ and with themselves. With the proposition of developing such capacities in mind, this article seeks to position yoga practice and social justice legal practice in direct conversation with one another as one way for lawyers to envision the complex layers of relationship when working with, not for, individuals and communities seeking political, social, and economic justice. Redefining one’s approach to the relationality of legal practice, as well as the embodied nature of legal practice, can inform and strengthen the capacities of not only lawyers but also clients, communities, and the movement. For example, a foundational tenet of collaborative social justice lawyering is to view clients as assets who provide key insights and have the capability to engage in reform efforts as activists for

note 6 (noting that “Yoga has been practiced on the Indian subcontinent for well over 4000 years”).

41. See Bryant, *supra* note 6; see also B.K.S. IYENGAR, *LIGHT ON LIFE* (2005); PATAÑJALI, *YOGA: DISCIPLINE OF FREEDOM: THE YOGA SUTRA ATTRIBUTED TO PATANJALI* (Barbara Stoler Miller trans., 1995) [hereinafter PATAÑJALI, *DISCIPLINE OF FREEDOM* (Miller trans.)]; MIRA SILVA, SILVA MEHTA & SHAYM MEHTA, *YOGA: THE IYENGAR WAY* (1990). Patañjali defines yoga as “a multifaceted method of bringing consciousness to a state of stillness” as a solution to the “fundamental predicament” of human understanding. PATAÑJALI, *THE YOGA SUTRAS OF PATANJALI* 1 (Chip Hartranft trans., 2003) [hereinafter PATAÑJALI, *YOGA SUTRAS* (Hartranft trans.)].

42. Non-violent resistance, rooted in yogic principles, inspired civil rights leaders like Martin Luther King, Jr. and anti-apartheid activist Nelson Mandela. See Aqueil Ahmad, *Powerful Reaction to Powerlessness*, 8 PEACE REV. 3, 423 (1996); see also, e.g., Angela Harris, *Lawyering as Peacemaking*, 56 VILL. L. REV. 819, 828 (2012) (“For King, as an activist, nonviolent struggle against injustice was the highest way to make love real. Love for all human beings—indeed, all life—is the ultimate motivation for seeking peace and justice.”).

43. bell hooks, *Buddhism and the Politics of Domination*, in *MINDFUL POLITICS: A BUDDHIST GUIDE TO MAKING THE WORLD A BETTER PLACE* 61 (Melvin McLeod ed., 2006).

44. See, e.g., *supra* note 2.

change.⁴⁵ But one cannot hold such a view or act in a manner consistent with this view without first establishing a bi-directional relationship with others.

To be clear, this article's proposition should not be mistaken as an offshoot of the contemplative law movement.⁴⁶ Rather it suggests an integrated path that touches on the whole of a lawyer's life—with self, client, movement, and systems of justice.⁴⁷ This distinct attention to relationships and interconnectedness, not merely pragmatic benefits such as stress relief or greater concentration, reflects its unique and transformative potential.

B. Understanding & Embracing the Eight Limbs of Yoga as a Foundation for Mindful Social Justice Lawyering

A specific set of principles guide and ground yogic practice—conscious self-care, healthy boundaries, honesty in word and action, collaborative living, compassion for self and others, and self-reflection—and are identified as the Eight Limbs of Yoga.⁴⁸ Formally defined, the Eight Limbs of Yoga include: *Yama* (Awakened Qualities), *Niyama* (Codes for Noble Living), *Asana* (Postures), *Pranayama* (Breath Control), *Pratyahara* (Sense Control), *Dharana* (Focus or Concentration), *Dhyana* (Meditation), and *Samadhi* (Absolute Oneness).⁴⁹ As the *Yoga Sutras* set forth, each of the Eight Limbs are only one component of a larger philosophy that extends to thoughts, actions, behaviors, and the senses.

Consistent with such an understanding, this article defines yoga expansively as a holistic approach that embodies all of the Eight Limbs to develop and sustain a multiplicity of relationships with the self and with others.⁵⁰ In seeking to expand the domain of the contemplative law movement, this article turns to the Eight Limbs as a foundation for how one might choose to inhabit the world

45. See Piomelli, *Appreciating Collaborative Lawyering*, *supra* note 2, at 437 (“The new model’s primary concern was to ensure that clients play the central role not only in setting ultimate objectives but also in making important decisions. It urged lawyers to hone their interpersonal skills, recognize the nonlegal (especially emotional) dimensions of legal problems, and give clients the necessary information and power to make informed choices on significant decisions.”).

46. Riskin, *supra* note 13, at 48.

47. See Steven W. Keeva, *Practicing from the Inside Out*, 7 HARV. NEGOT. L. REV. 97, 103 (2002) (“Mindful lawyers . . . may eventually realize that in the field of our common humanity—that which lies beyond those mindsets that can isolate lawyers from both clients and from their own inner selves—lawyers and clients have, at the human level, a great deal to offer one another.”).

48. PATAÑJALI, *YOGA SUTRAS* (Satchidananda trans.), *supra* note 5, at 1.

49. *Id.*; see also Michele Marie Desmarais, *Changing Minds: Mind, Consciousness and Identity in PATAÑJALI’S YOGA-SUTRA AND COGNITIVE NEUROSCIENCE* 155–56 (2008); B.K.S. IYENGAR, *LIGHT ON LIFE: THE YOGA JOURNEY TO WHOLENESS, INNER PEACE, AND ULTIMATE FREEDOM* 15, 252–63 (2005); PATAÑJALI, *DISCIPLINE OF FREEDOM* (Miller trans.), *supra* note 41, at 51–52.

50. This definition addresses a central concern in Western interpretations of yoga—the association of yogic practices to *asanas* (poses) only. Therefore, while this article recognizes the importance of *asanas* as one of the Eight Limbs, it is not limited to them.

of social lawyering from a subtly, or perhaps radically, reoriented space of personal and professional identity. The Eight Limbs thus serve as both an aspirational and pragmatic guide for lawyers seeking to pursue mindful social change work. By following such a guide, one would approach legal practice with a greater intentionality with respect to the complex layers of relationships that shape the experience of working for justice. As Kay Gendron has noted, “[we are] citizens of two worlds: the external world of relationships, work, family, and community, and the internal work of our deepest inner reality.”⁵¹

By approaching yoga as an embodied living practice, I seek to emphasize its relationality. In living all Eight Limbs, one can move past simply looking at the external, such as status, race, gender or ability, and embrace a more intersectional approach that captures the full diversity of human experiences, expressions, and relationships. In releasing illusion—or *maya*—from reality, one can also view power as more than an external concept and instead as a reflection of an ethos present within each living person.⁵² Operating from this broader definition, yoga practice, like social justice lawyering, reflects the praxis of mindfully exercising power.⁵³ To this end, praxis is not simply action based on reflection, but instead is defined as actions informed by reflections, which embody a commitment to transformation.

Turning briefly to the legal literature to concretize this idea, Ascanio Piomelli’s work on democratic lawyering provides an illuminating lens through which to consider the mindful exercise of power as a reflection of empowering clients to act as agents of change.⁵⁴ For Piomelli, democratic lawyers reject roles as expert lawyers who wisely represent passive clients. Instead, democratic lawyers work with clients for “an inclusive, participatory, and egalitarian understanding of democracy as a transformative approach to social change and relationships, one that enhances the power of ordinary people and their groups to meet their needs by actively participating in self-government and collective public action.”⁵⁵ Thus, the multiplicity of experiences that defines social justice

51. Kay Gendron, *Foreword* to SWAMI RAMA, *THE ART OF JOYFUL LIVING*, at vii–ix (1996).

52. Interview with Lauren Eckstrom, in L.A., Cal. (Nov. 13, 2015) (describing the principle and philosophy of *maya* within yogic practice and how by releasing illusion one establishes a greater sense of power and autonomy); see also *Mokosha and Maya*, YOGA BASICS, <http://www.yogabasics.com/learn/moksha-and-maya/> [<https://perma.cc/5VCD-JVK3>] (discussing *maya* or illusion as the “psychological separation between ego and the universe and the psychological filter that colors all of our experience. *Maya* is our memories, conceptions, judgments, and biases that present a distorted sense of reality.”).

53. For the purpose of this article, I adopt an understanding of *praxis* expressed by Paulo Freire as the intentional integration of action and reflection. PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* (2000).

54. Ascanio Piomelli, *The Challenge of Democratic Lawyering*, 77 *FORDHAM L. REV.* 1383, 1388 (2009).

55. *Id.*

lawyering reflects a dynamic interplay of processes by which power is created from living in relationship with oneself and with others.⁵⁶

While the Eight Limbs do not dictate a set of ideas or theories about issues of power, privilege, bias, or oppression, they provide a framework for thinking critically about the relationship and boundaries between the self, the collective, the individual, and the system. The development of such critical reflection supports a deeper connection between one's mind and body, as well as the realization that one form of subordination cannot easily be divorced from another. As Mari Matsuda explains in the context of coalition building, collaboration initiatives, and inclusion strategies:

The way I try to understand the interconnection of all forms of subordination is through a method I call "ask the other question." When I see something that looks racist, I ask, "Where is the patriarchy in this?" When I see something that looks sexist, I ask, "Where is the heterosexism in this?" When I see something that looks homophobic, I ask, "Where are the class interests in this?" Working in coalition forces us to look for both the obvious and non-obvious relationships of domination, helping us to realize that no form of subordination ever stands alone. If this is true, . . . then isn't it also true that dismantling any one form of subordination is impossible without dismantling every other?"⁵⁷

Therefore, to work and live justly is to think and act with mindful deliberation about the relationships we develop, cultivate, and sustain, ensuring that we are deeply critical of replicating structures of domination and power.

1. *Yamas*

Yama, the first limb, is comprised of five qualities of Awakened Living: *Ahimsa* (Non-Violence), *Satya* (Truthfulness), *Asteya* (Non-Stealing), *Brahmacharya* (Celibacy), and *Aparigraha* (Non-Grasping).⁵⁸ The *yamas* are

56. See Donald A. Schön, *Educating the Reflective Legal Practitioner*, 2 CLINICAL L. REV. 231 (1995) (arguing that the best practitioners are those who develop their skills through continual reflection about the uncertainties, complexity, and value conflicts that confront them in practice); see also Richard K. Neumann, *Donald Schon, the Reflective Practitioner, and the Comparative Failures of Legal Education*, 6 CLINICAL L. REV. 401 (2000) (a review of Schön's work).

57. Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 STAN. L. REV. 1183, 1189 (1991).

58. See PATANJALI, *YOGA SUTRAS* (Hartranft trans.), *supra* note 41, at 103–05. *Asteya* or non-stealing refers to not obtaining personal possessions that are not freely given and also applies to not hoarding another person's time and energy. Non-stealing forms the basis for healthy boundaries within relationships and requires that practitioners honor the time and energy of others. *Brahmacharya* is frequently translated as celibacy or energy moderation. While ascetics renounce sexual interaction, for modern yoga practitioners, *brahmacharya* requires living a sexually principled life, not using sex to obtain power, leverage or advantage over another. See, e.g., CHARLOTTE BELL, *MINDFUL YOGA MINDFUL LIFE: A GUIDE FOR EVERYDAY PRACTICE* 55–57 (2007).

practiced both inwardly and outwardly, manifesting as relationships to oneself, one's community, and the world.⁵⁹ Therefore, the *yamas* are inseparable from professional identity and are instructive when considering a relational approach to lawyering. As Jacoby Ballard and Karishma Kripalani note, “[t]he externally oriented Yamas offer guidance on how to live in the world ‘in a way that serves individual and collective liberation.’”⁶⁰ The *yamas* also serve a provocative function by requiring lawyers to sit with difficult questions about not only the nature of individual work but also the ever-changing meaning of working for social, legal, political, and economic justice in an unjust society.⁶¹ While all of the five qualities are equally important, I wish to draw attention to *Ahimsa*, *Satya*, and *Aparigraha*.⁶²

a. *Ahimsa*

Ahimsa, or non-violence, is most often translated as not causing pain or injury.⁶³ At the most basic level, non-violence is widely understood as not killing, but it also includes the more subtle issues of not causing pain to oneself or others through thoughts, words, and actions.⁶⁴ Charlotte Bell draws out the principle of *ahimsa* thoughtfully, as representing a “dynamic peacefulness”: an “ever-shifting state of quiet balance, a constantly changing, and evolving equanimity that allows us to meet each situation in our lives individually, rather than mechanically or habitually.”⁶⁵ When placed in context, *ahimsa* thus puts

(“The yamas are guidelines, a framework from which we can begin a process of inquiry); Rolf Sovik, *Yoga Philosophy Basics: The 5 Yamas*, YOGA INTERNATIONAL (Sept. 25, 2013), <https://yogainternational.com/article/view/yoga-philosophy-basics-the-5-yamas> [<https://perma.cc/YL69-F4ZA>] (providing a brief definition of each yama).

59. See Hillari Dowdle, *Path to Happiness: 9 Interpretations of the Yamas + Niyamas*, YOGA J. (Apr. 7, 2009), <http://www.yogajournal.com/article/yoga-101/path-happiness/> [<https://perma.cc/Y7AS-TYGV>] (noting Gary Kraftsow’s interpretation of the *yamas* as “represent[ing] the qualities of an integrated human being. You get there through practice, contemplation, meditation, and working to transform yourself. ‘The path of practice begins with understanding and refining the different dimensions of who you are, and it unfolds progressively, not all at once.’”).

60. Ballard & Kripalani, *supra* note 8, at 298.

61. This can and should occur at both micro and macro-levels. For Ballard and Kripalani, “to practice the Yamas and Niyamas is revolutionary, anti-capitalist, anti-racist, and challenges male supremacy and white supremacy, for they create peace within the self and therefore peace within one’s relationships on both a small and broad scale. Together, they offer guidance through intentional mindfulness practices for a life of commitment to justice and alliance.” *Id.* at 299.

62. Bell notes that *ahimsa* is “the foundation upon which all yogic life is balanced.” BELL, *supra* note 58, at 59; *see also, e.g.*, JUDITH HANSON LASATER & IKE K. LASATER, WHAT WE SAY MATTERS: PRACTICING NONVIOLENT COMMUNICATION 3 (2009).

63. PATAÑJALI, YOGA SUTRAS (Satchidananda trans.), *supra* note 5, at 118.

64. “[E]tymologically, ‘a-himsa’ refers to the negation of harm (*hims*), or ‘to have no desire to harm in any way.’” Nehal A. Patel, “Renounce and Enjoy”: *The Pursuit of Happiness Through Gandhi’s Simple Living and High Thinking*, 13 SEATTLE J. FOR SOC. JUST. 319, 321 (2014) (citing EKNATH EASWARAN, GANDHI THE MAN 152 (1978)); *see also* Interview with Lauren Eckstrom, in L.A., Cal. (Nov. 13, 2015) (reflecting on the practice of *ahimsa* as being about not only harmful actions, but also the capacity to disengage from harmful thoughts and words.).

65. BELL, *supra* note 58, at 59.

forward an idea of lawyering that requires one to be aware of and grounded in the world with particular attention to taking actions that alleviate suffering. In this way, “[t]he practice of *ahimsa* begins with our relationship to ourselves”⁶⁶ and transforms into relationships with others.

Broadly speaking, the ideas of *ahimsa* are represented in the legal literature. As discussed earlier in this article, there is a robust body of work⁶⁷ that has challenged traditional prescriptions of public interest practice, emphasizing collaborative problem solving between lawyers and their clients, knowledge sharing, and bi-directional authentic relationships. This work has decentered the role of the lawyer and instead elevated the role of relationships among lawyers, clients, movement activists, and mobilized communities. Furthermore, it has challenged social justice lawyers to be mindfully self-critical.⁶⁸ *Ahimsa* is central to this rich discourse.

While legal scholars have never explicitly drawn a connection between *ahimsa* and their work, the clear and compassionate communication encapsulated in *ahimsa* closely mirrors the models of lawyering for which these scholars have advocated. *Ahimsa* is in line with the rebellious, collaborative, social justice-oriented, democratic, third-dimensional and community lawyering that seeks to disrupt subordinating modes of communication between lawyers, clients, and communities. For example, Gerald López argues: “a client and a lawyer do not want simply to add to each other’s knowledge . . . [I]nstead, they desire to challenge what each knows—how each gained it, what each believes about it, and how each shares and uses it.”⁶⁹ For López, this requires rebellious lawyers to develop a capacity to listen deeply, share more openly, reflect more critically, and cultivate deeper social awareness.⁷⁰ Similarly, for Lucie White, when lawyers act “on the third dimension,” their advocacy “seeks to enable poor

66. *Id.* at 60.

67. See, e.g., LÓPEZ, REBELLIOUS LAWYERING, *supra* note 2, at 37. For López and others, lawyers working against the dominant paradigm of practice is grounded in the idea that “[in] lawyering against subordination—lawyers must know how to work with (not just on behalf of) women, low-income people, people of color, gays and lesbians, the disabled, and the elderly. They must know how to collaborate with other professional and lay allies rather than ignoring the help that these other problem-solvers may provide in a given situation. They must understand how to educate those with whom they work, particularly about law and professional lawyering, and, at the same time, they must open themselves up to being educated by all those with whom they come in contact, particularly about the traditions and experiences of life on the bottom and at the margins.” *Id.*

68. For example, Alfieri argues that “client-centered methods [of legal representation] perpetuate stigma-induced marginalization in law and society” which can be mitigated by employing “cross-cultural and difference-based identity analysis” that leads to collaboration between attorney and client, rather than domination. Anthony V. Alfieri, *Against Practice*, 107 MICH. L. REV. 1073, 1084–85 (2008–09).

69. LÓPEZ, REBELLIOUS LAWYERING, *supra* note 2, at 53.

70. See *id.* at 61 (“But knowing the client’s thoughts, feelings, needs, and desires to be no less conflicted than her own or anyone else’s, the lawyer can expect to invest a considerable amount of energy into listening and watching carefully, even where the legal effects of particular actions are relatively certain.”).

people to see themselves and their social situation in ways that enhance their world-changing powers.”⁷¹ At the same time, White notes, this “change[s] the attitudes and self-concepts of lawyers themselves” as the “work seeks to transform our own political identities, relationships, and commitments, enabling us to work more effectively with historically subordinated groups to achieve social justice.”⁷² Piomelli adds that it is the goal of the democratic lawyer to “create actual equality, rather than simply formal equality: relationships in which parties interact as fellow citizens, rather than as superiors and subordinates.”⁷³ Quigley points to the necessity to be willing to “journey with the community.”⁷⁴ When this scholarship is read through a lens of mindfulness, and more specifically *ahimsa*, it is clear that social justice legal practice—no matter the specific theoretical or scholarly attribution—is defined by a consciousness about speaking and acting in a manner that reflects the interconnectivity of relationship. It is about ensuring that lawyers “assist people in empowering themselves rather than manipulating the levers of power for them.”⁷⁵

Ahimsa is also reflective of “being firmly grounded in nonviolence,” which “creates an atmosphere in which others can let go of their hostility.”⁷⁶ In practicing *ahimsa*, social justice lawyers learn to let go of defensiveness and generate powerful connections and communication free of self-interest.⁷⁷ As Angel Kyodo Williams writes, “[t]here is a place that we find when we look deeply into ourselves that allows us to be completely free of our histories, our stories, our hang-ups We actually have a freedom spot in our brains.”⁷⁸ This level of connectivity with self and with others is reflected in what Anthony Alfieri has identified as the “legal-political enterprise of democracy promotion,” whereby cooperative lawyer-client roles and relationships forge alternative divisions of labor in advocacy and restore abandoned narratives of citizenship.⁷⁹

71. White, *Collaborative Lawyering*, *supra* note 2, at 157.

72. *Id.* at 157–58.

73. Piomelli, *Democratic Lawyering*, *supra* note 54, at 1391. Piomelli further notes that, “[a]pplying the concept beyond the political realm, democracy also becomes an inclusive way of interacting and interconnecting with others as equals.” *Id.* at 1392.

74. Quigley, *Reflections of Community Organizers*, *supra* note 2, at 462.

75. *Id.* at 479; *see also* LASATER & LASATER, *supra* note 62, at 9 (“Right speech is speech that furthers the practice of the speaker and contributes to the well-being of others and the world.”).

76. PATAÑJALI, *YOGA SUTRAS* (Hartranft trans.), *supra* note 41, at 34.

77. *Cf.* Ascanio Piomelli, *Sensibilities for Social Justice Lawyers*, 10 HASTINGS RACE & POVERTY L.J. 177, 183–84 (2013) (“[W]hen [social justice lawyers] connect ourselves and our clients with others, we multiply the domains in which we can act, the tactics and strategies we can deploy, and our odds of ultimate, lasting success in changing our society and culture.”); *id.* at 185 (“[A]s social justice lawyers, it opens up a world of possibilities when we see not only our clients’ vulnerabilities and deficits (and provide our legal services to compensate for them), but when we recognize as well their strengths, insights, and assets (and build upon and connect them).”).

78. ANGEL KYODO WILLIAMS, *BEING BLACK: ZEN AND THE ART OF LIVING WITH FEARLESSNESS AND GRACE* 174 (2000).

79. Alfieri, *Educating Lawyers for Community*, *supra* note 2, at 145, 147.

b. Satya

The second *yama* is *Satya* or truthfulness.⁸⁰ Like *ahimsa*, *satya* originates in relationship with the self—as an observation of thoughts, actions and patterns of interaction—and expands into relationships with others.⁸¹ As such, *satya* is an expansive practice reflecting that “truthfulness toward self and others (*satya*) not only ennoble one’s personal actions, but also removes the pressure to deceive.”⁸² In considering *satya* in relationship to social change work, several observations can be made. First, truthful speech is integral to the practice of law. Second, truthfulness in legal practice is not simply about acting or speaking honestly to judges, clients, allies, or collaborators, but acting honestly and with integrity to oneself. Third, in acting with greater truthfulness and honesty, one is willing to be increasingly collaborative rather than divisive when imagining solutions to difficult issues. When viewed through this broader and holistic lens, *satya* reinforces a central idea set forth at the beginning of this section: the mindful exercise of power.

It is clear that working for social change requires a commitment to sharing power in order to work in solidarity with others and not simply for others.⁸³ As Bill Ong Hing notes, the sharing of power as a social justice lawyer is marked by “collaborative and communicative practice, demanding strategic innovation, and requiring critical reflection on the forces conditioning the subordination of the poor, as well as the ways the poor might resist and redirect those forces to achieve justice.”⁸⁴ It is in this process that subordinated communities and their “lawyer-allies voice aspirations, identify concrete action strategies, and discover grounds for political unity.”⁸⁵ Drawing on social movement literature, solidarity is built through “a sustained series of actions between powerholders and persons successfully claiming to speak on behalf of a constituency lacking formal representation”⁸⁶ as well as through connective structures and shared identities that sustain collective action. Thus, *satya* challenges governing norms of power

80. PATAÑJALI, *YOGA SUTRAS* (Satchidananda trans.), *supra* note 5, at 118; *see also* PATAÑJALI, *YOGA SUTRAS* (Hartranft trans.), *supra* note 41, at 103; William G. Kirkwood, *Truthfulness as a Standard for Speech in Ancient India*, 54 S. COMM. J. 213, 216 (1989) (discussing Hindu texts, such as Patañjali’s *Yoga-sutras*, which emphasize the importance of truth); Kirkwood, *supra*, at 221 (“Vyasa also stresses that the practice of *satya* [truth] must obey a higher moral principle—*ahimsa*, or non-injury.”)

81. BELL, *supra* note 58, at 69–70. The *Yoga Sutras* recognize that truthfulness is connected to *ahimsa*. Kirkwood, *supra* note 80, at 221.

82. PATAÑJALI, *YOGA SUTRAS* (Hartranft trans.), *supra* note 41, at 34.

83. *See* Hing, *supra* note 2, at 22–25; LÓPEZ, *REBELLIOUS LAWYERING*, *supra* note 2, at 37; Piomelli, *Appreciating Collaborative Lawyering*, *supra* note 2, at 480; Louise G. Trubek, *Embedded Practices: Lawyers, Clients, and Social Change*, 31 HARV. C.R.-C.L. L. REV. 415, 416–17 (1996) (exploring the lawyer-client relationship).

84. Hing, *supra* note 2, at 23 (discussing White and third-dimensional lawyering).

85. *Id.*

86. Michael McCann, *Law and Social Movements*, in *THE BLACKWELL COMPANION TO LAW AND SOCIETY* 506, 509 (Austin Sarat ed., 2004) (citations omitted).

and privilege traditionally associated with litigation-centered practice where power circulates and finds its only expression in the doctrinal structure of law and legal analysis.

Consider the example of working in coalition.⁸⁷ When embodying *satya*, lawyers should pause before reflexively “thinking like a lawyer” and rendering a legal assessment. Instead, they should inquire as to the best course of action for those most impacted by the issue and elevate the voices of others to ensure that power is shared horizontally, not only vertically. In this moment, *satya* facilitates truly engaged dialogue and collaborative problem solving, in contrast to one-sided solutions.⁸⁸ *Satya* also helps to narrate new social meanings of knowledge and power as lawyers let go of conventional understandings of their roles and privileges. Given the dynamic nature of social justice lawyering, as both formal and informal processes, lawyers are positioned to reorient, restore, and redefine power. Through processes of legal narration and re-narration, the collective experiences of clients and communities, regardless of perceived or actual social status, become united into new and more powerful identities. By grounding legal practice in *satya*, one no longer views lawyering as an individualistic enterprise divorced from the exercise and maintenance of power in multiple and complicated forms, but rather as a shared lived experience that has been marked by conditions of oppression. Thus, the praxis of mindful social justice lawyering requires attentiveness to narrating truths that are grounded in the actual, rather than perceived, experiences and cultural frameworks of individuals and communities.⁸⁹

87. While not the central focus of this article, Gandhi’s emphasis on *satya* is illuminating for social justice lawyers. As Chimni notes, Gandhi “privilege[d] the experience of knowing over the theory of knowing” and his understanding of truth was linked to “struggles against all forms of violence.” B.S. Chimni, *The Self, Modern Civilization, and International Law: Learning From Mohandas Karamchad Gandhi’s Hind Swaraj or Indian Home Rule*, 23 EUR. J. INT’L L. 1159, 1162 (2012). Gandhi was keenly attentive to self-knowledge and self-understanding through the pursuit of *satya* and recognized its integral connection to the processes of fighting racial discrimination in South Africa. *Id.* For Gandhi, the concept of truth “simultaneously comprise[d] and signif[ied] ethical, spiritual, and political” connectivity. *Id.*

88. This example also raises the potential for an interesting assessment of the contemporary discourse in social movement theory regarding “top-down” versus “bottom-up” approaches, as well as “court-centered” versus “dispute-centered” approaches. While not the focus of this article, I invite others to develop this idea further.

89. See Anthony V. Alfieri, *Reconstructing Poverty Law Practice: Learning Lessons From Client Narrative*, 100 YALE L.J. 2107, 2111 (1991) (noting that “normative content of a client’s story consists of substantive narratives which construct the meanings and images of the client’s social world”) [hereinafter, Alfieri, *Reconstructing*]; Christopher P. Gilkerson, *Poverty Law Narratives: The Critical Practice and Theory of Receiving*, 43 HASTINGS L.J. 861, 897–99 (1992) (discussing intersectional identities of clients and narrative perspectives translated into legal strategy).

c. Aparigraha

The final *yama* is *Aparigraha* or non-grasping. *Aparigraha*'s ultimate aim is “freedom from the compulsion to have [which] allows us instead to seek the true source of happiness, which is wisdom.”⁹⁰ While many traditions have interpreted this as a freedom from material possessions, one can also understand *aparigraha* practice as freedom from preconceived ideas, identities, and perceptions—all things that can also limit social change.⁹¹ The principle of *aparigraha* guides social justice lawyers to transform their relationships, their tactics and strategies, and their visions of social change.

This is not as radical an idea for social justice lawyers as it might seem initially. First, consider the relationship with the self. Social justice lawyering is difficult.⁹² And in the face of such difficulty—present in any profession or path that seeks meaningful and sustained change—one can easily lose sight of the purpose of one's work and become frustrated, disengaged, or even filled with self-doubt. In those moments, *aparigraha* is key. *Aparigraha* manifests when one is able to find contentment in the space presently occupied, whether challenging or not, and bend away from a compulsion to critique and instead lean towards a sense of steadiness. This is of course not as simple as it sounds; social justice lawyers are not detached professionals offering legal advice and representation regardless of consequences but rather are responsible for, and committed to, shaping outcomes in careful and collaborative ways. This is where the holistic nature of yoga is important, for the principle of *aparigraha* necessitates that in moments of tension one engages physical practices such as *pratyahara* or *asana* to realize a deeper connectivity with the needs of self and others.

Second, consider the relationship with clients. Social justice lawyers strive to engage with an ethos of self-conscious law practice.⁹³ While one aspect of this is sharing power and working in collaboration, as discussed above, another aspect is addressing what Robert Cochran, John DiPippa, and Martha Peters

90. PATAÑJALI, *YOGA SUTRAS* (Hartranft trans.), *supra* note 41, at 35.

91. Interview with Lauren Eckstrom, in L.A., Cal. (Nov. 13, 2015) (describing how a practice of *aparigraha* cultivates a sense of empowerment and embodied agency); *see also*, Irene (Aradhana) Petryszak, *7 Ways to Practice Aparigraha (Non-Possessiveness)*, *YOGA INT'L* (Jun. 27, 2013), <https://yogainternational.com/article/view/7-ways-to-practice-aparigraha-non-possessiveness> [<https://perma.cc/D5GV-T28U>] (providing simple “tips” to practice non-possessiveness).

92. There is a large body of work that considers the challenges of progressive legal practice aimed at social change. *See, e.g.*, Ashar, *Public Interest Lawyers*, *supra* note 2; Betty Hung, *Letter to a Young Public Interest Lawyer*, 1 *L.A. PUB. INT. L. J.* 319 (2008–09); Marshall, *Mission Impossible*, *supra* note 2; Gerald P. López, *Changing Systems, Changing Ourselves*, 12 *HARV. LATINO L. REV.* 15 (2009); Victor Narro, *Letter to a Young Public Interest Lawyer*, 3 *L.A. PUB. INT. L. J.* 175 (2010–12); Piomelli, *Sensibilities for Social Justice Lawyers*, *supra* note 2; Quigley, *Reflections of Community Organizers*, *supra* note 2.

93. Gary Bellow, *Steady Work: A Practitioner's Reflections on Political Lawyering*, 31 *HARV. C.R.-C.L. L. REV.* 297, 301 (1996).

have called “cultural encapsulation.”⁹⁴ For Cochran, DiPippa, and Peters, this term captures all the unconscious ways that race, gender, and class background, as well as professional socialization and the privileged status of being a lawyer, shapes thoughts and actions. In some instances, cultural encapsulation perpetuates a practice marked by reinforcing patterns of subordination,⁹⁵ and in others, it leads a lawyer to romanticize their clients or the communities that they are from.⁹⁶ In either case—or in the many instances that fall in between—the principle of *aparigraha* provokes social justice lawyers to become increasingly aware of (1) the temptation to construct archetypes and exaggerate differences, (2) how traditional legal activities can replicate power and subordination, and (3) how to thoughtfully reconcile a commitment to serving the needs of individual clients with a larger vision of social change.⁹⁷

2. Niyamas

Niyama is the second limb of yoga and includes five Codes for Noble Living: *Saucha* (Purity), *Santosha* (Contentment), *Tapas* (Purification), *Svadhya* (Self-Study) and *Isvarapranidhana* (Celebration of the Divine).⁹⁸ While the *yamas* are guidelines for behavior toward others, the *niyamas* are guidelines for how to treat the self.⁹⁹ Again, I wish to acknowledge the

94. Cochran, DiPippa, and Peters argue that lawyers should develop a more contextualized understanding of not only their clients’ legal problem(s), but also of their clients as individuals. ROBERT F. COCHRAN, JR., JOHN M.A. DIPIPPA & MARTHA M. PETERS, *THE COUNSELOR-AT-LAW: A COLLABORATIVE APPROACH TO CLIENT INTERVIEWING AND COUNSELING* 205 (2d. ed. 2006) (defining cultural encapsulation). This requires vigilant attention to “one’s own cultural perspectives and their impact on attitudes, communication patterns, interactional habits, and cultural assumptions.” *Id.* at 211.

95. *Id.* at 211; See Richard Abel, *Speaking Law to Power: Occasions for Cause Lawyering*, in *CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES* 69 (Austin Sarat & Stuart Scheingold eds., 1998) (“Most of the time law reflects, reproduces, reinforces existing power inequalities.”); LÓPEZ, *REBELLIOUS LAWYERING*, *supra* note 2, at 11–29 (articulating regnant practice as perpetuating subordination); Gabriel Arkles, Pooja Gehi & Elana Redfield, *The Role of Lawyers in Trans Liberation: Building a Transformative Movement for Social Change*, 8 SEATTLE J. SOC. JUST. 579, 594–95 (2010) (arguing that the “‘individual’s rights’ model . . . legitimize[s] power over ongoing relationships of exploitation” and the current system “exacerbate[s] those power differences, reifying elite professionals as leaders”); LÓPEZ, *An Aversion to Clients*, *supra* note 2, at 317–21 (discussing the impulses and reactions to poor clients).

96. See Susan D. Bennett, *Embracing the Ill-Structured Problem in a Community Economic Development Clinic*, 9 CLINICAL L. REV. 45, 78 (2002).

97. See, e.g., Alfieri, *Reconstructing*, *supra* note 89 at 2118–19 (explaining that poverty lawyers frequently rely on narrative meanings and images of client dependency, communicating to clients and courts “a vision of the world constructed by lawyer-spoken narratives” and in turn omitting a richer and potentially more compelling “alternative set of meanings and images articulated by client narratives,” which can both hurt clients in front of them and perpetuate stereotypes that hurt other clients).

98. Dowdle, *supra* note 59 (providing a simplified description of the *niyamas*). The *niyamas* are practices of self-discipline. T.K.V. DESIKACHAR, *HEALTH, HEALING, AND BEYOND: YOGA AND THE LIVING TRADITION OF T. KRISHNAMACHARYA* 65–67 (1998) (describing the *niyamas* as “our attitudes towards ourselves.”).

99. BELL, *supra* note 58, at 131.

interconnectivity of all the *niyamas* within the *Yoga Sutras*; for purposes of this article, the most resonant *niyamas* are *santosha* and *svadhyaya*.

a. Santosha

Santosha, contentment, is the second *niyama*. In the simplest terms, *santosha* means to cultivate a steady state of presence.¹⁰⁰ *Santosha* requires a thoughtful diligence to develop an internal state of contentment, despite external challenges, stresses, tensions, and distractions, or in other words internal and external accountability to peacefulness.¹⁰¹ As Bell noted in an interview, “[t]he process of *santosha* is relaxing into where you are in your pose right now and realizing that it is perfect.”¹⁰² While Bell places *santosha* in the literal context of a yoga pose, its translation into legal practice is quite clear. The practice of authentic, and arguably effective, social justice lawyering requires one to be connected to the present moment, accepting the diverse experiences occurring within that moment. Mindful awareness¹⁰³ is thus a key faculty. This presents an interesting dilemma for lawyers, who are trained to consider the implications of past decisions or events or to calculate the possible impacts that future events might have on the clients and communities they serve or the larger movement for justice.¹⁰⁴

Though challenging, the principle (and practice) of *santosha* supports a healthier approach to social justice lawyering that accepts and considers an often central tension of the work—the emotional difficulty of the limitations of the law and the realization that no matter how one might work or how good a lawyer one might be or how righteous the campaign, there may not be a “successful” legal outcome or remedy.¹⁰⁵ *Santosha* also asks lawyers to inquire how they might bring more balanced attention to the suffering they see in their daily work, the

100. *Id.* at 99; see also Interview with Lauren Eckstrom, in L.A., Cal. (Nov. 13, 2015) (describing how mindfulness practice cultivates contentment and a sense of equanimity). This is similar to Buddhist thought, which teaches that the goal of mindfulness meditation is to “see the nature of things as they are.” Codiga, *supra* note 21, at 116 (citing WALPOLA RAHULA, WHAT THE BUDDHA TAUGHT 68 (1958)).

101. Hartranft explains that *santosha* “brings joy . . . because letting go of our attachment to externals as the source of happiness allows us to abide in the here and now.” PATAÑJALI, YOGA SUTRAS (Hartranft trans.), *supra* note 41, at 36. Moreover, Bell argues that a practice of *santosha* not only brings greater satisfaction to one’s life, but also supports the development of *aparigraha*. BELL, *supra* note 58, at 101.

102. Dowdle, *supra* note 59.

103. The most commonly associated “practices” with *santosha* are mediation and yoga poses.

104. This idea supports John O. Calmore’s argument that most law students need to be re-socialized. John O. Calmore, “Chasing the Wind”: Pursuing Social Justice, Overcoming Legal Mis-education, and Engaging in Professional Re-Socialization, 37 LOY. L.A. L. REV. 1167, 1177 (2004) (“[D]eveloping a commitment to social justice requires a re-socialization.”). Calmore noted that legal education instills in students an alternate set of professional values that often reinforce inequity and hierarchy. *Id.* at 1177–78.

105. See Harris, Lin & Selbin, *supra* note 3, at 2128 (“The struggle for social and economic justice can be debilitating and demoralizing.”).

experiences of individuals and communities facing injustice, without falling into a state of despair or indifference. Similarly, when one's work is met with opposition, a practice of *santosha* invites a moment of introspection to look at the long view of social change recognizing that such conflict or contestation may create new opportunities, rather than barriers. Moreover, *santosha* provides a critical reminder for lawyers engaged in social justice work that internal anger, while a powerful catalyst to incite and motivate, is also a barrier to transformation at the individual, interpersonal, and community levels. Yet, one should not perceive *santosha* as the manifestation of complacency or entrenchment. Nor should moving through adversity embrace an idea of helplessness or fuel a sense of hopelessness. This final idea is particularly significant when considering the countless narratives of lawyers working for justice in systems that are fundamentally unequal and unjust.

b. Svadhyaya

Svadhyaya or self-study, is the fourth *niyama*.¹⁰⁶ While not explicated in the Yoga Sutras, *svadhyaya* should not be viewed as an isolated moment of self-study. Instead, practitioners should seek to acquire knowledge for continued personal growth throughout their lifetime because, as practitioners and scholars have noted, *how* knowledge is applied to one's life is at the heart of *svadhyaya*.¹⁰⁷

This places *svadhyaya* central to a relational understanding of lawyering. The provocation of *svadhyaya* for social justice lawyers is two-fold: first, to seek deeper wisdom about the clients and communities they work with, integrating this knowledge into diverse legal and non-legal strategies aimed at collaborative problem solving¹⁰⁸ and, second, as part of a mutual process of self-actualization.¹⁰⁹ When approached from these twin frameworks, *svadhyaya* speaks directly to knowledge sharing as an embodied expression of power. It encompasses the acts of listening and speaking, with mindful attention to knowledge as one means of achieving inter and intra-personal transformation. As López reminds us, lawyers “must open themselves up to being educated by all

106. BELL, *supra* note 58, at 110; PATAÑJALI, YOGA SUTRAS (Hartranft trans.), *supra* note 41, at 104.

107. Interview with Lauren Eckstrom, in L.A., Cal. (Feb. 5, 2016) (noting that critical inquiry is necessary to ensure that *svadhyaya* is reflected in thoughts and actions); *see also* Bell, *supra* note 58, at 111 (quoting T.K.V. Desikachar's translation of Sutra II.44).

108. Like Freire, López argues that community legal education and practice means mutual education. PAULO FREIRE, PEDAGOGY OF THE OPPRESSED, *supra* note 52, at 93; LÓPEZ, REBELLIOUS LAWYERING *supra* note 2, at 37. López's problem-solving approach is grounded in “helping people to see that they can identify, understand, and contribute to solving their own and others' problems is one way of helping them gain more control over the life we share.” *Id.* at 70.

109. In this way, *Svadhyaya* resembles approaches to knowledge sharing developed in education liberation theory. *See, e.g.*, BELL HOOKS, TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM 15, 22 (1994).

those with whom they come in contact.”¹¹⁰ While I have chosen to emphasize experiential learning, one should also be mindful of the extensive literature addressing law and social change. As Piomelli notes, “we are not starting from scratch.”¹¹¹ We can draw upon the knowledge and experience of those who have come before us to better grasp where we stand now and what paths we might pursue in the future.

3. *Asanas*

Asana, yoga postures, is the most widely recognized limb of yoga and is often considered the most direct means to convey yoga as an embodied lived philosophical practice. Like other mindfulness practices that have become popular as part of the contemplative law movement, the physical practice of yoga encourages practitioners to assess embodied somatic feedback loops through a process of introspection towards their own bodies. Yet the practice of yoga *asanas* comprises only one small aspect of the practice of all Eight Limbs.¹¹²

For Patañjali, *asana* is marked by steadiness and ease and is reflected in both external movements and internal thinking.¹¹³ Thus, the practice of *asana*, as an embodied lived philosophy, is not only to develop a habit of discipline and the ability to concentrate, but also to cultivate steadiness regardless of the actual or perceived circumstances of a moment. This perspective of *asana* reveals the true essence of yoga, which extends beyond one’s mat and into all aspects of life. *Asana* practice therefore translates as a growing openness to the unpredictable unfolding of the world, and the ability to experience it in non-reactive, engaged, and deliberative ways. Thus, *asana* becomes the embodiment of how one seeks to stand in the world—both as an individual and with others. For social justice lawyers, this means experiencing and exposing their physical connection to legal practice as an external and deliberate reflection of the multiplicity of understandings of such ideas as, identity, solidarity, equality, dignity, and respect. There are of course multiple ways to conceptualize *asana*. At an individual level, one may use *asana* practice to support inner and outer strength to remain non-reactive and non-judgmental in difficult moments of practice; at a

110. LÓPEZ, REBELLIOUS LAWYERING, *supra* note 2, at 37.

111. Piomelli, *Sensibilities for Social Justice Lawyers*, *supra* note 77, at 178.

112. There is a similar disconnect between Western models of yoga practice and the contemplative law movement. In the West, yoga is often expressed as poses or postures and viewed as an exercise for purely health benefits, rather than as a modality for cultivating awareness with, and being engaged in the world. Similarly, as discussed earlier, the contemplative law movement has disconnected the meaning and effectiveness of mindfulness practices for transforming society, instead looking heavily to the positive benefits for individual lawyers. See discussion *supra* Part II.A.

113. PATAÑJALI, YOGA SUTRAS (Hartranft trans.), *supra* note 41, at 37. In their original understanding, yoga postures were to help ascetics sit in meditation for long periods of time with the goal of freeing practitioners from the distractions of bodily sensation and pain. *Id.*; Interview with Lauren Eckstrom, in L.A., Cal. (Feb. 5, 2016) (sharing reflections on the teaching of *asana*).

collective or community level, one may draw from *asana* the ability to stand with others in a shared enterprise.

The development of increased physical and emotional awareness is a hallmark of the contemplative law movement, as lawyers and law students are often asked to consider how various forms of stress impacts their bodies and mental capacities.¹¹⁴ But the movement has not asked how greater awareness of linked physical and mental experiences can transform a lawyer's identity from the individual to the collective and widen her vision of social, political, legal, and economic justice. This article seeks to highlight this gap.

I raise this inquiry hoping that the movement will expand its view of the mind-body connectivity from a more singular focus (lawyer as individual) to a more relational focus (lawyer with self, lawyer with client, lawyer with community, and lawyer with systems of justice).¹¹⁵ Moreover, this question seeks to incite a critical discourse of how relationships of power are never enacted merely in the form of intellectual encounters but also occur as embodied manifestations. As Ng reminds us, “[m]ost intellectual encounters entail a confrontation of bodies, which are differently inscribed. Power plays are both enacted and absorbed by people physically, as they assert or challenge authority, and the marks of such confrontations are stored in the body.”¹¹⁶ Therefore, mindful awareness of how one physically stands in the world does not solely pertain to relationship building or conflict resolution; it also implicates how lawyering relationships either maintain structures of power or seek to dissolve relationships that reflect a complicity in domination. As Harris, Lin, and Selbin note, when “lawyers fail to be mindful of the power imbalance between them and community residents and activists, [they] can drive rather than partner in community struggles.”¹¹⁷

It is important to note that *asanas* are also understood as a practice aimed at relieving limiting internal definitions.¹¹⁸ This idea resonates deeply with social justice lawyers and is reflected across the work of scholar-activists discussed earlier in this article such as, López, Hing, White, Alfieri, Piomelli, and

114. Most of the contemplative law movement's work has addressed mindful awareness as a tool for stress management or as a complement to traditional legal training, which are grounded in helping individual lawyers be more attentive and effective in *their* own work.

115. In addition to negotiating the physical world of legal practice, I wish to draw attention to how lawyers must also engage in narrative methodology (or storytelling) thus navigating their clients' physical experience as well. Narrative methodology requires lawyers to control their physical awareness, such as listening without being distracted by external stimulations. It also requires that once the narrative has been collected, they must embody the role of translator. This embodied role of translator, telling and re-telling a client's narrative, requires a deliberate consciousness to ensure that when does one translate lived experiences into law, power does not rewrite narratives in a false or harmful manner.

116. Ng, *supra* note 21, at 346.

117. Harris, Lin & Selbin, *supra* note 3, at 2120.

118. PATAÑJALI, YOGA SUTRAS (Hartranft trans.), *supra* note 41, at 38 (“Simply put, in *āsana* one must do less to be more.”).

Quigley.¹¹⁹ Their scholarship is marked by a critical view of the traditional prescriptive notions of relationships between lawyers and clients, and contemplates alternative power-sharing processes that build sites of democratic accountability internally and externally. Further, these scholars' models of lawyering embrace the vastness of the work as a means to understand not only the current struggle, but to look at its historical roots with an intention of considering a world of new possibilities. They acknowledge that though lawyering for social change is difficult, there is much to learn from understanding the legal outcomes in a given moment as well as the collaborative process that yielded those outcomes.

4. *Pranayama and Pratyahara*

Pranayama, or breath control, is the fourth limb of yoga and requires practitioners to more deliberately notice their breath cycles, to regulate their mind and energetic states, and control *prana*.¹²⁰ As Hartranft notes, *pranayama* (breath energy coupled with discipline, restraint) is “generally regarded today as a set of practices in which one consciously directs the breath and its energies in deliberate patterns.”¹²¹ Movement in the breath flow moves consciousness in the direction of calm and stillness with the aim of discerning subtleties.¹²² *Pratyahara*, sense control, is the fifth limb and typically arises from a focus either in *asana* or *pranayama*.¹²³ The essence of *pratyahara* occurs when one is fully aware of the world and yet able to appreciate the subtle differences of multiple intersecting realities.¹²⁴

In the context of legal practice, the principles of *pranayama* and *pratyahara* can help bring heightened sensitivity and attention to the complexities of navigating “relationships through which people construct and contest their differences.”¹²⁵ As Rogers notes, “[t]houghts and feelings arise, but do not dictate an impulsive reaction. An open and receptive capacity emerges that attends to moment-to-moment experience without assuming what it means or how to respond.”¹²⁶ Similarly, Harris, Lin, and Selbin draw connections between mindful awareness and thoughtful communication:

It is a truism that effective lawyers must learn how to listen to and communicate with their clients, and that this is not as easy

119. See *supra* note 2 and accompanying text.

120. PATAÑJALI, YOGA SUTRAS (Hartranft trans.), *supra* note 41, at 40.

121. *Id.*

122. *Id.* at 41; BELL, *supra* note 58, at 130–31.

123. PATAÑJALI, YOGA SUTRAS (Hartranft trans.), *supra* note 41, at 42.

124. See interview with Lauren Eckstrom, in L.A., Cal. (Feb. 5, 2016) (describing the union of mind and body through *pratyahara*); Judith Lasater, *Pratyahara: What It Means To “Withdraw”*, YOGA J. (Aug. 28, 2007), <http://www.yogajournal.com/article/yoga-101/return-stillness/> [https://perma.cc/3BNL-43Q9].

125. LÓPEZ, REBELLIOUS LAWYERING, *supra* note 2, at 43.

126. Rogers, *The Role of Mindfulness*, *supra* note 17, at 391.

as it seems. It is difficult partly because communication flows through a number of channels, not all of them verbal and not all of them conscious. In addition, especially in a community practice, lawyer-client communication often crosses lines of power and privilege. . . . The work of listening across difference and across boundaries of power and privilege is difficult. . . . The mindful lawyer can learn to be aware of these matrices of power without being defeated by them, and even can learn to employ them in transformative ways.¹²⁷

Cultivating mindful breath and sense control does not mean an absence of attention to the difficulties of legal practice aimed at transformational change. In fact, the opposite is true. *Pranayama* and *pratyahara* call attention to one's internal state of being (or relationship with self) and connects it to the layered relationships with others.¹²⁸

5. *Dharana, Dhyana, and Samadhi*

While independently distinct in the *Yoga Sutras*, I have opted to combine the final three limbs together to draw attention to their interrelated nature. *Dharana* is translated as concentration.¹²⁹ As Patañjali explains, concentration “locks consciousness on a single area.”¹³⁰ For many practitioners, the principle and practice of concentration is linked to the somatic experiences of *asana* and *pranayama*, as well as in meditation (*dhyana*) itself, but *dharana* can be found whenever a person is fully present and focused on an activity or object.¹³¹ *Dhyana* or absorption is the experience of meditation¹³² and *samadhi*, the final limb, is integration.¹³³

Mindful meditation has been a hallmark of the contemplative law movement since its emergence, with considerable discussion addressing the individualized benefits for lawyers.¹³⁴ This discourse has ranged across multiple practice areas with significant attention paid to lawyers engaged in conflict resolution and

127. Harris, Lin, & Selbin, *supra* note 3, at 2126–27.

128. *Id.* at 2127 (“[T]he lawyer who is paying attention can learn to shift between different models of representation”).

129. PATAÑJALI, *YOGA SUTRAS* (Hartranft trans.), *supra* note 41, at 46 (“Concentration, a yogic action, and withdrawal of the senses, an effect, are interdependent, each arising with and supporting the other.”).

130. *Id.* at 105.

131. Interview with Lauren Eckstrom, in L.A., Cal. (Feb. 5, 2016) (describing the deliberate presence of meditation practice).

132. PATAÑJALI, *YOGA SUTRAS* (Hartranft trans.), *supra* note 41, at 46.

133. *Id.* (“[C]onsciousness settles to a mirrorlike reflectivity, and usually disparate entities like object, subject, and perceiving now coalesce.”).

134. As discussed in Part II of this article, the literature has often failed to explore mediation from a broader lens, such as mindfulness as a means of reducing prejudice or creating greater openness to community. See, e.g., Magee, *Educating Lawyers*, *supra* note 1, at 557–58.

alternative dispute resolution.¹³⁵ Setting aside specific practice-centered applications, a central theme has emerged in the literature: lawyers should approach clients with an open mind. In describing the concept of an open mind, Stephen Ellmann et al. assert, “[i]n every interaction, lawyers need to work to understand the part of clients’ experiences that the clients bring to the relationship. As lawyers come to know their clients and grasp their legal problems, they need to be able to listen with care and flexibility, shape insightful questions, offer clear explanations, and convey empathy.”¹³⁶ For Keeva and others in the contemplative law movement, mindfulness meditation is a key practice that supports the expansion and development of an open mind.¹³⁷ In the context of this article, mindfulness meditation supports a legal practice that casts aside the traditional view of clients as powerless individuals who need to have problems “solved” through legal expertise. Instead, a mindful social justice lawyer strives to deemphasize conventional lawyering practices that come at the expense of client’s sense of control over their life, their self-esteem, and their power.¹³⁸

While the connection between meditation and cultivating an open mind is clear, what lessons can lawyers committed to transformative change draw from *samadhi*? At first glance, one might think the answer is nothing, as social justice lawyers are driven by commitments that are not aimed at reaching a state of personal enlightenment or integration, but, rather, are concerned with addressing the needs and concerns of clients and communities. But instead of viewing *samadhi* as restricted to one level, the self, this article posits an alternative understanding. *Samadhi* is integrated space in which lawyers gain a transparent understanding of all the layered and complex relationships of legal practice. This presents a new ontology of mindful lawyering and reflects broader interpretation of becoming whole and fully present. In *samadhi* the multidimensional nature of awareness reflects an integrated concept of self and others and legitimizes the role of emotions in professional decision-making and relationships. As Magee notes, mindful awareness transforms the professional identity of lawyers, as they become increasing “capable of acting more purposefully and deliberately” over time and show “increase[d] positive feelings toward oneself and compassion toward others.”¹³⁹ At this scale, *samadhi* is marked by thought, action and

135. See, e.g., *supra* notes 1, 15–17; see also Leonard L. Riskin, *Further Beyond Reason: Emotions, the Core Concerns, and Mindfulness in Negotiation*, 10 NEV. L.J. 289, 314–15 (2010); Evan M. Rock, *Mindfulness Meditation, the Cultivation of Awareness, Mediator Neutrality, and the Possibility of Justice*, 6 CARDOZO J. CONFLICT RESOL. 347, 350–51 (2005).

136. STEPHEN ELLMANN, ROBERT D. DINERSTEIN, ISABELLE R. GUNNING & KATHERINE R. KRUSE, *LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING* 16 (2009).

137. Keeva, *supra* note 47, at 104 (“Mindfulness meditation helps us learn to be where we are. It teaches us that what is, is enough, and that rather than try to augment or somehow fix it, we need only accept it.”); Riskin, *supra* note 13, at 48 (“Mindfulness can help lawyers expand their focus to include . . . broader perspectives and to carry out the aspirations associated with them.”).

138. See, e.g., White, *Sunday Shoes*, *supra* note 2, at 49.

139. Magee, *Contemplative Practices*, *supra* note 15, at 31, 37.

reflection (*praxis*) with a new intention—to see oneself as no longer simply working for change but as a mindful collaborator building the power of others to fight against structures that perpetuate legal, political, economic, and social subordination.¹⁴⁰ Harris, Lin, and Selbin capture this final idea thoughtfully:

The lawyer concerned with progressive political change, then, can use mindfulness as a practice to connect small-scale and large-scale transformation. Right action and right interaction with others are paths of mindful lawyering: seeking neither victory nor defeat; getting caught up in neither wild optimism that the revolution is just around the corner nor the despair that all is hopeless; caring for others without attempting to make everything about us; doing the day-to-day work of lessening needless suffering; and witnessing the suffering that is an inherent part of being alive.¹⁴¹

IV. CONCLUSION

This article is a beginning. Positioning itself simultaneously *within* and *outside* the contemplative law movement, the article aims to expose the possibility of a new and vibrant discourse that places relationality at the center of mindful legal practice. While it concentrates on lawyering, the ideas, principles, and practices are not limited to lawyers and should resonate with anyone committed to transformative social change. Further, in adopting the *Yoga Sutras* as the lens through which to approach mindful lawyering, it does not seek to set forth a prescriptive model of practice. Rather it is responsive to the need for continued deliberation on diverse dimensions of lawyering—those that center on promoting equality and human dignity, transforming relationships, and dismantling systems that institutionalize privilege and discrimination. By grounding social justice lawyering as an embodied yogic practice that engages multiple voices, connects diverse talents and perspectives, and unleashes new energies, a transformation occurs which links individualistic enterprises and collective actions. In this way, lawyers become agents of change committed to embodying an alternate view of the practice in which change occurs internally, within relationships, and in the conditions experienced by those most often marginalized. The connectivity between social change and mindfulness expands the domains in which lawyers can see themselves acting—with a renewed sense of social consciousness and commitment to work that responds to the need for change in an unjust world.

140. See Preface, *Political Lawyering: Conversations on Progressive Social Change*, 31 HARV. C.R.-C.L. L. REV. 285, 285 (1996) (“[Political lawyering is] a form of advocacy that consciously [strives] to alter structural and societal impediments to equity and decency.”).

141. Harris, Lin, & Selbin, *supra* note 3, at 2130–31.