

An Essay on Teaching Well-Being in the Law

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INTRODUCTION

After more than twenty years of teaching, I have become convinced that helping my students more skillfully navigate their way toward well-being is the most important lesson I can offer them. Anxiety disorders and other mental illnesses are widely prevalent social problems but the field of law, where my students are headed, is particularly afflicted—and the problems seem to be worsening. In a recent survey of law students in the United States, nearly 70% said they needed help in the prior twelve months for an emotional or mental health problem. Just as startling, that figure is over thirty percentage points higher than it was when the same question was asked only seven years earlier. Lawyers in practice seem to be faring equally poorly. Multiple studies have found that lawyers suffer significantly higher rates of anxiety and depression than the general population; unsurprisingly, the frequency of maladaptive behaviors that follow these disorders is also greater.

The profession has not been oblivious to these problems. Although their strides have been uneven, law schools in recent years have taken steps toward bolstering student wellness, dovetailing efforts by the bar to better support struggling lawyers. As a close observer of these trends, I've been heartened by these good intentions but dismayed with the results. Undoubtedly, one explanation for our collective failure to significantly improve well-being in the law is that there's just so much in the profession that can make us feel blue. As psychologists and psychologists surely would attest, it's no small task to help someone who is suffering feel durably hopeful and resilient in the face of life's many challenges. But while the task is daunting, we need to ask if there are other ways to make more meaningful progress in addressing the legal profession's struggles.

Troubled by the persistent anxiety that seems to plague law students and lawyers, a few years ago I began teaching a standalone upper-level course called *Well Being in the Law*. Because there are many ways of approaching this subject, from the course's inception I've recognized that there are two indispensable questions of class design that I must consider: *what* material should I cover and *how* do I want to cover it? Both questions are essential. Even well-intended and thoughtful efforts will not produce desired results if unskillfully planned or executed.

As I have thought about what to teach, I've been influenced by something I've noticed again and again. Though there certainly are exceptions, most efforts directed to well-being tend to narrowly take a profession-specific focus. From academic casebooks to blog posts, materials that address well-being in the law typically focus on the many specific difficulties that law students and lawyers face without making efforts to identify the underlying reasons why so many in the legal field suffer. This kind of granular, industry-specialized approach worries me because I fear it isn't addressing the root causes of law student and lawyer discontent. I don't deny that it can be useful to identify unique challenges to working as a legal professional. Indeed, in Part I of this essay I look at some reasons why it makes sense to cover well-being issues that are directly

germane to becoming a lawyer and practicing law. But when we fail to move beyond a narrow focus, when we don't offer a wider lens to comprehend the fundamental obstacles to living a fulfilling life in the law, it should not be surprising that many law students and lawyers may become hopeless in the face of the seemingly endless array of poisoned arrows that life shoots at them. Suffering can come to feel unavoidable, inevitable.

In this essay I'm making two pedagogic claims. The first concerns what I think should be taught. My claim is that a more promising approach to teaching well-being is to situate the many challenges that law students and lawyers face as a subset of the fundamental challenge that underlies most human misery: our largely unexamined mental processes and their relationship to subjective well-being. This isn't *my* original claim, of course. More than two and a half millennia ago, the Buddha recognized that our minds, clouded by cravings, attachments, and misperceptions, are the root cause of suffering. I'm not a Buddhist and I'm not proposing that one needs to explicitly rely on Buddhist theology to teach well-being (though with Buddhism's invitation to its adherents to use methods of "causality" and "empiricism," as the Dalai Lama put it, to evaluate everything for themselves, such a course would align well with law school's pedagogic emphasis on critical thinking). But there's no need to design a class on well-being around the Dharma. One can teach similar lessons using an entirely secular lens. Mindfulness, once on the fringe, now finds wider acceptance in Western culture. From an entirely non-sectarian base, students can be taught practices to discover the ways in which conditioned patterns of the mind play a significant role in causing our distress and dissatisfaction. In exploring how our minds work, there's a rich array of scientific research on the brain, cognition, and emotion to draw upon. As I'll explain, it's sensible to incorporate this material into a well-being curriculum selectively and with intentionality (more about those qualifiers in just a moment). Certainly, some exposure to the available research offers concrete evidence of mindfulness's benefits for those looking for that sort of substantiation.

There's much more to say, but this brief description at least gives some sense of what I mean when I assert that guiding students to better understand themselves and the operation of their minds is an invaluable broader perspective to offer in a well-being class. Part II goes into more detail about what my content vision entails. This brings me, then, to the other pedagogic claim that I'm making in this essay. It relates to the second course design question that needs to be asked: *how* to cover the material. That's the subject of Part III, the final part of the essay. In a nutshell, this is my claim: if students are going to learn something about how a better understanding of their own minds can meaningfully improve their lives, a well-being class needs to pair traditional, highly-mentalistic learning activities with opportunities for more active learning. The former kind of learning is gained through secondhand knowledge, which usually means by assigning readings or videos and by relying heavily on lecturing. Secondhand knowledge has its uses. One such use is the credibility gain I just mentioned that may result from drawing on scientific research about the brain to introduce mindfulness to students. But when deeper learning requires more than secondhand knowledge, that is, when the contents of a lesson will be more durably acquired through direct engagement, with firsthand knowledge, that's when traditional learning must be supplemented with active learning strategies. Moreover, there's a particular type of active learning, called embodied learning, that offers a form of direct engagement that's especially well-suited for the kind of lessons that I am talking about. Embodied learning is like learning to dance by feeling the rhythm in your body instead of just

reading about what it's like to dance. Whatever else they might gain by reading and talking about how minds in general operate, students are far more likely to understand how their own minds work if they directly experience, well, how their own minds work.

If these pedagogic approaches are successful, students will come to recognize that they may encounter in their legal careers many and varied obstacles to their well-being but that the fundamental challenge they face lies not with those obstacles but with not being meaningfully aware of themselves and how their minds operate. That recognition, if skillfully acquired, may lead them to discover one of the most empowering and liberating lessons they may ever learn: that what we pay attention to and the quality of attention that we bring largely determines the quality of our lives.

I. REASONS TO ADDRESS SPECIFIC CHALLENGES TO WELL-BEING IN THE LAW

I have already asserted that if we want to impart meaningful lessons to our students about well-being, the discussion of what can make a life in the law feel so challenging must be placed into a broader perspective. This isn't to deny that there are good reasons for covering specific well-being issues that directly relate to law school and the practice of law. But it is useful to unpack what are the good reasons for taking an industry-specific look at the obstacles to well-being in the legal profession. I'll start first with law school before turning to the legal profession.

A.

Unquestionably, a course in well-being should focus on the particular challenges that students face in law school (and it should do so before tackling challenges to well-being in the legal profession), but the reason why it's sensible to begin here may not be obvious. It isn't because students need to learn about what makes law school hard. They know that already. They are deeply familiar with what they don't like about law school so the goal isn't to educate students about the specific challenges law school poses. Instead, the reason to start a well-being class by talking about various difficulties they will encounter in law school is that it's the best way to build engagement and trust in the classroom.

By choosing to start with a topic they already know a lot about, more students are likely to participate—and to participate more fully—in class conversations. By getting them to engage with each other, students get to know each other better. And when that happens, when students see each other, really see each other, as more complete, three-dimensional human beings, all sorts of magical things can happen. Perhaps most centrally, they are more likely to begin to trust each other. And when that happens, it fosters a greater willingness to share more openly, to be more vulnerable with each other. Building trust and facilitating a safe space to allow for vulnerability are essential foundational pedagogic goals in a class about well-being. Without them, students cannot be expected to fully engage with each other or with the teacher's classroom content objectives. With them, students will feel more comfortable in opening about themselves, more willing to honestly confront and examine their own fears about themselves and their world—past, present, and future.

While it may seem a tall order to build this kind of engaged classroom environment, it actually does not take much at all. Certainly, we have to create a safe container. One way we do this is by setting out a set of expectations or guidelines that everyone agrees to abide. Confidentiality is an obvious one. Encouraging presence is also incredibly important. We can do that by agreeing that electronic devices will remain put away; by emphasizing the importance of maintaining eye contact and of limiting crosstalk and interruption while someone is speaking. Perhaps most of all, we encourage presence by pointing out how important it is to resist our conditioned tendency to begin evaluating and judging almost as soon as someone else starts talking—to try, in other words, to listen closely to what someone else is saying without becoming distracted by our brain’s habit of formulating a response to a speaker long before they have finished. These are just some examples; there are plenty of other very valuable guidelines that a class can create. What’s most important is that everyone agree to a set of norms that are designed to foster a safe space to engage with each other.

Once we make these sorts of skillful efforts to create a safe container, it doesn’t take long for students to feel safe engaging with each other. We’re more familiar with how negative peer pressure can readily create greater roadblocks in the classroom so it can be surprising to discover that positive peer engagement has an even more powerful stimulus effect in the opposite direction. What’s more, precisely because students are so rarely given opportunities to safely share their own internal struggles, there’s a tremendous built-up craving, a yearning to do so. In conversations in the classroom about well-being, I’ve noticed that hesitation about openly sharing withers away, and remarkably quickly, after one person begins. After that, with thoughtfully facilitated discussions, open engagement naturally follows and flows. Each person’s willingness to share positively encourages more sharing. We all want to be seen, to be heard. And it can bring so much comfort to be seen and heard by a group of people who seem to be experiencing many of the same fears and anxieties that we’ve been feeling inside of us. *I’m not alone! I’m not the only one who feels this way! I don’t have to carry this burden by myself!* These are deeply powerful and resonant insights—and they happen consistently when students are offered a safe space to engage with each other.

B.

After looking at some specific challenges to well-being in law school, it makes sense to then pivot to consider specific challenges to well-being that will arise in the legal profession. Here, however, the reason for dedicating time to specific challenges after graduation differs from the pedagogic justifications that I just outlined with regard to law school.

A primary reason to focus on practice challenges is to educate students about many of the specific issues they are likely to face. While students are very familiar with the issues in law school, most are understandably less familiar with the many challenges to well-being that they will confront in practice and so it can be useful to elucidate these difficulties. To use one example that often arises, many students do not realize how much time it actually takes to bill around 2000 hours a year, a quite common expectation for many starting associates at private law firms. Even the math alone (e.g., you can get to 2000 hours by billing eight hours a day, every day from Monday-Friday, for 50 weeks) doesn’t begin to really capture the true workload required. Billing that many hours will almost assuredly require far more than eight hours of time

at work each day because not all time spent in the office is billable. One thoughtful estimate is that most people will have to work at least a third longer, often even as much as 40% longer, to meet their billable hour requirements. These are eye-opening and sobering conversations to have with students. The conversations also underscore the extent to which, for better or worse, a lawyer's life is commodified, reducing personal and professional pursuits to measurable units of time and productivity.

And this is just one example. Because challenges to well-being in practice will vary greatly based on the type, setting, and subject matter of their work, there's much that students likely do not know—and may not be able to anticipate—about the challenges they will face in practice. So, yes, it's undoubtedly useful to expose students to some of these issues—to educate them about what's ahead. At the same time, precisely because challenges to well-being in practice can take so many different forms it simply isn't possible to anticipate all the challenges that students will encounter. Law practice, like life, is just too complex and multi-dimensional. And it should be apparent that having an inherently abstract classroom discussion in law school about the common issues a student will confront in their careers is unlikely to leave anyone prepared for how to deal with a particular problem when it arises, in actual practice. Knowing in advance that you may encounter a difficult supervisor does not prepare you when your boss barges into your office late one afternoon, throws the memo you just prepared for him back at you, and screams, *How the hell did they ever let you graduate from law school? Fix this and you better not screw it up again!*

Ultimately, a narrow approach to talking about well-being leaves students without a meaningful perspective about why their lives can feel so hard. A narrow approach that centers itself on the many individualized circumstances that can arise in a lawyer's life leaves students no better prepared for the challenges that await them. Unless they are offered a more holistic understanding of why there's so much discontent in the legal profession, they're unlikely to regard the path to well-being as anything other than littered with countless individualized difficulties that must be constantly avoided or managed. Framed this way, the questions become: what are the causes and conditions that undermine well-being in the law and how can they be more usefully explored?

II. A BROADER FRAME FOR ADDRESSING WELL-BEING IN THE LAW

In a seminal paper, *Why Lawyers Are Unhappy*, Martin Seligman and his co-authors identified three primary causes for lawyer unhappiness: (1) training to become a lawyer emphasizes pessimistic thinking; (2) young lawyers tend to be given jobs with high stress and little autonomy; and (3) U.S. legal culture is a zero-sum game. The ideas they point to are both accurate and insightful and I'll say a bit more about each of them. Collectively, they point to a foundational truth about the nature of being human that speaks to the significant role conditioned patterns of the mind play in our subjective well-being.

A.

Research from a wide range of fields, including neuroscience, psychology, evolutionary psychology, economics, and sociology, suggests that much of our emotional distress and suffering arises from our cognitive and emotional dissatisfaction with the present moment. Like most people, law students and lawyers are easily distracted from the present by rumination about the past and worry about the future. And even when we're in the present moment, our attention is routinely clouded by judgments, of almost continuously liking or disliking the thing on which we have fixed our attention.

The relentless pull and push of cravings and aversions, constantly grasping for what we desire and recoiling from what we dislike, only serve to deepen our sense of unease and discontentment. There are both evolutionary and environmental reasons why we do this. We inherited genes that allow us to feel joyful and satisfied, but our default condition is that we experience those positive affects only temporarily. (Some of what's at work here can be explained by the phenomenon of hedonic adaptation. I'll talk more about hedonic adaptation in a moment.) Meanwhile, we're predisposed by our genes and by social conditioning to always be on the lookout for threats, which explains why we seem to experience more recurrent states of anxiety and fear. Our emotional makeup works really well in helping us survive and pass our genes along to the next generation, but it isn't so good at keeping us happy and contented. Yet, most of us, most of the time, are largely oblivious to how our minds routinely work—and oblivious to how unhappy and discontented they can make us feel.

Let's now return to the three causes of lawyer unhappiness that Seligman and his co-authors identify and consider their first two points together. With regard to the idea that legal training favoring pessimistic thinking, Seligman and his co-authors note that researchers connect pessimism with learned helplessness theory. That theory posits that individuals develop a sense of incapacity when they interpret negative events as stemming from stable, global, and internal causes. In essence, pessimistic individuals tend to view negative outcomes as enduring and widespread across various aspects of life. Understood this way, a pessimistic mindset makes it harder to be accepting of one's circumstances just as they are. By clinging to pessimistic tendencies to see negative events as enduring, a person is more likely to resist the reality that everything in this life is transient and subject to change. The type of pessimist thinking that law training promotes ends up fostering mindsets of resistance, hindering the ability to cultivate acceptance and equanimity. Similarly, a professional life characterized by high stress/anxiety and low autonomy (the second cause Seligman and his colleagues identify) is also likely to hinder one's ability to be present without nonjudgmental awareness. Research in psychology and neuroscience supports the idea that the combined effects of high stress and low autonomy will negatively impact a person's ability to feel emotional equilibrium. Chronic stress increase rumination, repetitive and intrusive thinking about past events. When that happens, attention becomes more fixated on past concerns, preventing fuller engagement with one's immediate surroundings and experiences.

But of the three causes of lawyer unhappiness that Seligman and his colleagues describe, the basic nature of U.S. legal culture being a zero-sum game may be the most revealing about the conditioning effects that this culture has on its participants. In referring to it as a zero-sum game, the researchers are saying that the adversarial nature of legal practice regularly pits parties

against each other in a win-lose scenario, where one side's success comes at the expense of the other. This zero-sum mindset, they observe, foments a competitive and combative atmosphere within the legal profession. To this account we can add that the things the legal profession is fiercely competitive about are perceived values, like seeking external validation and achieving specific outcomes, that can be psychological traps for discontentment.

These perceived values are already prevalent throughout society but the legal profession places even more of an unhealthy emphasis on external goals over internal ones. Consider how in law everyone and everything is ranked. Where did you go to law school? How did you do in your first year? Were you on law review? What summer jobs did you have? What permanent position after graduation did you accept? Once in practice, the comparison game continues apace: how many hours did you bill? How much business did you bring in? What's your win-loss record? And on and on. Rankings, of course, have signal value—for employers and clients. But that signaling effect itself forms an essential part of the external validation mindset that permeates law, reinforcing at every turn the unhealthy idea that our sense of self-worth must be tied to what others think of us.

What's more, the predominant legal education model creates a highly competitive environment in which participants feel they must battle for the limited resources it offers. Only a small percentage of top-performing students make law review. The highest paying jobs out of law school are allocated to roughly the same population; the remainder of the class feels like it is vying for second place (or worse). It is inherent to the design of a competitive system that the material rewards and social prestige that the legal profession offers are limited. If they were widely available to everyone, then they wouldn't be considered so special. By creating a structure that stresses how valuable these limited resources are, the model sends the message to its participants that you must fight among yourselves to get these limited resources. Most people either come to law school (or soon after entering it soon become) convinced that the limited material resources and social prestige the profession offers are the keys to reducing dissatisfaction and fear, to living in a state of long-term contentment and happiness. But our conditioned mindsets—of self-comparison, of dissatisfaction with what we have, and the cravings and aversions that go along with our dissatisfaction with what is—leave us anxious that we won't get the very things we are convinced we need to stop living with insecurity and discontent. This makes the legal profession a perfect storm of human suffering, revealing the cruel irony of a system that promises an end to fear but that, at its center, depends on fear for its fuel.

Living in a state of chronic and pervasive fear of a world teeming with threats takes a heavy toll on us. It conditions our mind into always being dissatisfied with the present and fearful of the future. We compare ourselves to others. We compare ourselves to some other version of ourselves that we'd rather be. We become convinced that there's something wrong with us: I don't stack up to others; things could be better for me. In related ways, we become convinced by what Sonja Lyubomirsky calls the myths of happiness. If I only have X, then I will be happy; and if I can't have X, I can't be happy. Or if Y happens, I will certainly be miserable. But tying our happiness to external circumstances and achievements is a delusion of the mind. It's delusional, at least in part, because there's no reason to believe our future forecasts are going to be accurate. In fact, gobs of research make it clear how often our forecasts are wrong.

Some of the cognitive conditioning that I'm describing relates to the phenomenon known as hedonic adaptation. When we talk about hedonic adaptation, it's often in connection with our adaptability to events we perceive as positive, like getting that brand new sportscar we've been wanting for a long time. Hedonic adaptation captures the idea that our happiness may be temporarily boosted right after the purchase, but our joy tends not to last as the positive effects diminish and become normalized. We soon return to the fairly stable level of happiness that we experienced before, to our happiness set point. Hedonic adaptation can cause us to feel like we're on a treadmill of dissatisfaction: we're constantly seeking happiness but, unable to be fully satisfied, our striving remains endless. Or as William Shakespeare put it, "Happy thou art not, for what thou hast not, still thou striv'st to get, and what thou hast, forget'st."

Hedonic adaptation also holds true for negative events as well. Someone who experiences a significant setback, such as losing their job, may initially feel distressed but over time, but the odds are in their favor that they'll adapt to their new circumstances, finding alternative sources of satisfaction in those new circumstances. Over time, we learn to accept, reflecting our capacity for resilience, for adjusting, for finding ways to cope, to problem-solve and to discover meaning in new circumstances. But while we have this capacity to adapt to events we initially perceive as undesirable, research shows that we also tend to adapt more slowly and sometimes less completely to negative events than to positive ones. There's another psychological phenomenon at play here, often referred to as "negativity bias." A bias toward negativity suggests that experiences we regard as unwanted tend to have a more significant and enduring impact on our emotional well-being than positive experiences of similar magnitude. As a result, negative events may linger in our minds and influence our emotions for longer periods, as compared with how we adapt to positive events, leading to slower and less complete adaptation.

Negativity bias can condition us to regard our current circumstances with discontentment. We're led to give more of our attention to seeing problems, flaws, and potential threats in our environment, in our relationships, and in ourselves. I noted earlier that these tendencies are rooted in evolutionary mechanisms that have been really good at helping us anticipate and mitigate potential threats. At the same time, when our brains become conditioned to continually seeing problems and flaws, our perception of reality is necessarily also influenced. We find it more difficult to accept what is, let alone embrace the present with gratitude and joy.

B.

I have been laying out some of my vision of a broader perspective to offer students on the causes and conditions that can undermine well-being in the law. The same broader perspective also can usefully be offered for talking about how we can better understand and relate the underlying causes and conditions of our discontent. In a nutshell, this is what I mean: we are more likely to impart to students meaningful lessons about well-being if, rather than trying to offer narrow, industry-specific advice about how to manage individual challenges in the law, we instead help students to better understand the power of mental conditioning. Just as our minds can become conditioned to feel dissatisfied with the present moment, our brain's plasticity also allows for the cultivation of more positively affective emotions, especially acceptance, gratitude, and joy.

The starting point is to teach students to get better at noticing more clearly, and with less judgment, how their minds have been conditioned. We begin by teaching students to get better at practicing nonjudgment awareness. Before an exam, students can learn to notice their anxiety, to watch it happening without remaining caught up in the emotion. When they feel anxious, can they notice, with a little remove, what they are feeling. They try to just note it: anxiety, I see you; I see you starting up again. Or after getting grades back and not doing as well as hoped: there is anger; I see you, anger. Or there is greed, I see you greed. And fear. I see you too. This is just how things are.

In clearly seeing and naming what's happening for us, right here, right now, we can begin to cut through the coils of our conditioning. We can begin to distinguish between *what is* and *what we think about what is*. In so doing, we begin to offer ourselves opportunities to notice that our feelings are fleeting, always impermanent. This added distance may then allow us to choose to let the feelings subside, inviting space for other emotions. But it's a choice, just as resigning ourselves to a belief that our emotional pain is an unavoidable part of us is also a choice. Of course, this kind of resignation may not be a choice that we consciously make. Nevertheless, resignation is still a choice, even if our conditioned mind unconsciously made it for us. In living with our conditioned, unexamined minds, we are choosing not to pay better attention to what is actually happening. But we can choose a different path: not to resign ourselves; we can choose to awaken more fully to what is actually happening with us. If we do, then in those moments when the mind wants to default back to its conditioned patterns of feeling, thinking and behavior, we can choose to take more skillful paths: to choose compassion; to choose loving-kindness and gratitude; to choose acceptance and equanimity.

None of these choices come easily, however. When we are unable to look directly at fear, when we only feel afraid, our minds may turn to unskillful thoughts and behaviors. We may try to self-soothe in unhealthy ways, such as through addictions to intoxicants that numb or otherwise alter our consciousness. Or we might feel compelled to separate ourselves from others. If you do not like your conscious experience, then you are always looking for ways to avoid or alter it and so may do so in ways that are not helpful to your long-term contentment and happiness. But in recognizing the grip that dissatisfaction and fear can have on us, we can also find methods for loosening that grip. Knowing that our minds can be conditioned in ways that do not support us also leads us to recognize that we can recondition our minds in ways that are more supportive of our well-being.

Every time that a student strengthens their mindful practices, they are resisting their mind's conditioning to dissatisfaction and fear. They are beginning to cut through the mind's delusions of thinking that the path to well-being goes through wanting and not wanting, of comparing ourselves to others and to some idealized, imaginary version of what we'd like ourselves and our reality to be like. We don't have to run away from our fear. We can learn to see how unhelpful denial and delusion are. We can learn, instead, to meet our fears as they are. We do so by cultivating more dispassionate awareness, by trying to meet our fears with curiosity and with compassion. Curiosity and compassion can empower us because they help us look at, not away, from our fears. When we approach our fears with curiosity and compassion, we are also conditioning our minds. We are learning to embrace vulnerability, to become more

comfortable learning to accept things as they are. By facing our fears with curiosity and compassion, we pave the way for new ways of being with ourselves and the world.

These are the kinds of things I want to teach my students.

III. TEACHING MINDFUL AWARENESS

I have been laying out the argument that students are far more likely to learn durable lessons about well-being if we offer them a broad perspective, one that helps them to better understand themselves and the operation of their minds. The remaining question, which I take up in this final part of the essay, is how to do this effectively. The short answer, which I will expand on below, is that guiding students to better self-awareness of themselves and their minds requires the thoughtful combined use of secondary learning and firsthand learning so that the two teaching approaches complement one another.

A.

For many years, happiness and well-being did not receive much attention from academics and were not included in school curricula. There was a prevailing belief that these topics were too subjective or abstract to be rigorously studied. There was also a stigma associated with discussing emotions or mental health openly, leading to a lack of emphasis on these topics in educational settings.

It wasn't until the late twentieth century, fueled especially by the rise of positive psychology in the late 1990s as a rigorous discipline, that these concerns began to be dispelled. Today, rigorous science is now brought to the study of what contributes to or undermines subjective well-being. Coincidentally, over the last quarter century there's been considerable progress made in studying the neural markers linked to happiness and well-being. There are numerous examples of well-being courses that look at the operation of our human brains. One prominent example outside of law is a very popular course offered at the Harvard Business School by Professor Arthur Brooks called *Leadership and Happiness*. Among other subject covered, he and his students spend several weeks discussing brain physiology, chemistry, and operation. At Yale, Professor Laurie Santos teaches *The Science of Happiness*, an undergraduate class that's been the most popular course in the school's history. (She also offers an online version of the same course through Coursera that anyone can take.). Santos also covers how our brains process information.

Undoubtedly, part of the reason that academic courses like these look to scientific findings about how our minds work is that the science fosters added credibility about the course content. In our Western culture, there's a prevailing emphasis on substantiating knowledge with scientific evidence; it instills a greater sense of confidence and validity in the information we study. I've already said that there's nothing wrong with looking to science to give secular credibility to the study of mindfulness, but I don't want to introduce the science *only* to gain credibility. That just ends up giving students far too much information that isn't useful.

In deciding what secondary scientific findings to cover, the important question to ask is to what end are we using the information. For me, the research is most valuable when it aids the student's own personal examinations into better understanding themselves and how their own minds work. That is, I try to be guided in my decision of what to cover by looking for topics relating to the brain that students can also investigate through their own direct experience—by paying attention to the operation of their own minds. That's how the *what* and *how* teaching questions directly link together for me: by making decisions about what I want to cover by also thinking about how I want students to engage with the material, I believe it's more likely that the lessons will land in more durable ways. If the secondary source material doesn't aid their understanding of their own mental landscapes, if it doesn't foster self-discovery, then it doesn't belong in my curriculum. After all, my ultimate goal is not to offer lessons in how science substantiates the value of recognizing how our minds work; it is to teach students to get better at noticing how their own minds work.

An example of research that I have found to be helpful to use with students is the Values in Action (VIA) Inventory of Strengths survey. The VIA survey is designed to help students gain a better understanding of themselves: to help them identify and understand their own character strengths. In this way, this research directly aids the student's understanding of themselves.

Numerous studies have been conducted on the VIA survey and the classification of strengths, providing evidence for its reliability, validity, and real-world applications in areas like well-being, achievement, and resilience. The survey consists of a series of questions that assess various positive traits and virtues, such as kindness, creativity, perseverance, and gratitude. By completing the survey, students receive a personalized profile outlining their top character strengths, ranked in order of prominence. This feedback allows them to gain insight into their unique strengths and virtues, enabling them to better understand their core qualities and values. That understanding, in turn, can promote self-awareness, confidence, and personal growth by providing a framework for leveraging strengths in various areas of life, such as relationships, work, and personal development.

Once students have the results of their surveys, we use those to then delve into the PERMA model, a framework in positive psychology aimed at understanding and promoting well-being and flourishing. It consists of five core elements that contribute to a fulfilling and meaningful life: Positive Emotions, Engagement, Relationships, Meaning, and Accomplishment. Positive Emotions encompass feelings of joy, gratitude, and contentment, contributing to overall happiness. Engagement refers to the state of being fully absorbed and immersed in activities that provide a sense of flow and fulfillment. Relationships emphasize the importance of social connections and meaningful interactions with others. Meaning involves finding purpose and significance in life, whether through work, relationships, or personal beliefs. Accomplishment relates to setting and achieving goals, which boosts self-esteem and a sense of competence. By focusing on these key components, the PERMA model offers a comprehensive framework for promoting well-being and enhancing quality of life.

But, even when one has a good sense of one's character strengths and uses that to try to make personal and professional decisions informed by the five core PERMA elements, our untrained minds can still readily lead us astray. That's why, in addition to helping students gain a

better understanding of themselves, a curricular component that's essential is to help students better recognize how their minds routinely work. To do this, there's some value in looking to secondary sources that cover relevant scientific understanding of how our brains work.

I've already mentioned some examples, like talking about hedonic adaptation and negativity bias. I've also found it to be valuable to engage students with materials about how our minds construct our reality. It's a strange sounding idea at first, but we know that our brains make up stories that become our conscious reality. To be sure, for most of us the stories we tell ourselves are bounded by information from the physical world, but the information our brain receives from our sensory systems comes too slowly for us to experience the world directly from our sensory systems. We don't see with our eyes or hear with our ears; those organs send sensory information to the brain that the brain must then interpret and process. And there's just too much information to interpret and then process in real time. As a result, brains have to make predictions about what our eyes are seeing and our ears are hearing (along with all the rest of our sense organs) milliseconds in advance of the information actually being received. The brain makes these predictions based on our prior experiences and on contextual information it's been gathering continuously from our sense organs. One engaging book that I've assigned my students is Lisa Feldman Barrett's *Seven and a Half Lessons About the Brain*. It has several chapters that address how our brains make predictions in advance for what then becomes our conscious reality. Drawing on these and other secondary resources that address how our brains make predictions and construct reality can be a compelling way to introduce mindfulness to students. It can add scientific rigor to their exploration into the depths of perception, a place from which the mysteries of our minds can begin to feel like a journey worth taking.

B.

I've been talking about how secondary knowledge of the brain's operation can be effectively used as a foundation for introducing mindfulness. At the same time, it's vital to recognize that there's only so much learning that the passive nature of secondhand learning, by itself, allows. When we supplement secondhand learning with direct firsthand engagement, we are able to greatly enrich the learning experience.

There are many firsthand, active learning techniques one can use: collaborative group work; peer teaching; role-playing; problem-based learning; field trips and site visits; reflections and journaling, to name a few. I employ nearly all of these in my classes because they invite students to experience concepts firsthand. In this way, students can develop a deeper understanding of well-being principles. But the most important active learning component of my well-being course is mindfulness and to guide students in mindful practices requires a particular form of active learning: embodied learning. I'll talk more in a moment about teaching mindful practices but it's first useful to address what's distinct about embodied learning as a form of firsthand learning and then to talk about why the embodied learning of mindfulness is essential for teaching well-being.

Firsthand learning and embodied learning are related concepts, but they emphasize different aspects of the learning process. As we've seen, the key characteristic of firsthand learning is that learners directly experience and interact with the subject matter rather than

learning about it indirectly through sources such as textbooks or lectures. Embodied learning always involves firsthand learning insofar as students learn from their direct experience, but a key distinction is that embodied learning focuses specifically on the role of the body in the learning process. Embodied learning views learning as a holistic process that involves not only the mind but also the body, emotions, and social interactions. It emphasizes the idea that cognition is not solely a mental activity but is deeply connected to bodily experiences, sensations, and movements. The goal of embodied learning is to make abstract concepts more tangible and memorable through corporeal experiences.

There are limits to what a teacher can usefully convey, using words, to students about what their own mindfulness journey may look like. To know one's own mind and the particular ways it has been conditioned requires direct experience; intellectual understanding is no substitute. What a teacher can do is set the conditions for students to explore their minds for themselves. They do that creating a supportive environment, by providing guidance, and by trying to translate what their own experience of practice has meant to them.

That last point, about the efforts the teacher makes to translate their own experience to the student, bears exploring further. What it gets at is the important idea behind how firsthand learning and secondhand learning can complement one another. For the translation to be useful, for students to gain anything meaningful from a teacher talking to them about conscious living, students have to have their own embodied experience of practicing living mindfully. Unless students have their own direct experience, a teacher's attempt to offer words alone to describe mindfulness will be ineffective. Even with a little experience of their own, the teacher's attempts may still fail because there's also a need to be skillful in how we translate our experiences to students. But when all these conditions are present, that's when secondhand knowledge conveyed through words can productively complement a student's firsthand experience with mindful practices.

In introducing students to mindfulness, it's important for the teacher to be aware of obstacles that commonly arise for students when they begin to practice mindfulness and to address them with care. For instance, I've noticed that when I talk with students who are coming to the practice for the first time (which is nearly all of my students), I have found that it is useful to help them better understand what being mindful means. Many students often embark on their journey with a common misconception that mindfulness is meant to be an anxiety-reduction technique. In consequence, they may approach their practice with the anticipation that it will swiftly alleviate their discontent. And when it doesn't bring any immediate relief, they feel discouraged and may decide that the practices aren't for them.

To address this hindrance, I tell them that there are meditation practices that are meant to calm the mind and that there's great value in learning those techniques. But there's another type of meditation practice, often referred to as insight meditation, and it's the one they'll be learning. As it turns out, with insight meditation our minds will often become calmer and less anxious but those are beneficial side effects, so to speak, of the practice. With insight meditation, the practitioner's efforts are not directed at changing the mind's condition; they are only directed to gaining a better awareness of what is actually happening right now, unclouded by judgments of what we think is happening or will happen in the future.

There are several different kinds of insight practices that one can introduce in the classroom to incite embodied learning. What all of them have in common is that they can be used to cultivate concentration on the chosen object of attention, without judgment or attachment. It's common to start by making the breath or body sensations the object of attention. Students are asked to notice when thoughts arise and to see if they link them to the feelings that fuel their thoughts and actions. These inquiries take our attention to feelings that begin unconsciously inside of us and eventually arise in consciousness.

In addition to practices where students are still, it's also useful, especially for new meditators, to offer a range of different techniques. You can use slow walking meditations, focusing on each step deliberately, feeling the sensations of lifting, moving, and placing each foot down. You can also do exercises with having students just walk around at a mostly normal pace but with intent to pay more attention than we normally bring to our surroundings. You can do exercises with mindful eating or practicing mindfulness during household chores. The mindful eating assignments have seemed to be quite impactful for many students. By asking them to pay close attention to what the experience of eating felt like, the exercise provides students with a tangible appreciation for how their untrained minds normally operate. They might come to recognize, for instance, how often they are distracted from the experience of eating by becoming absorbed in thoughts of something else, usually the past or future. They might also notice how their thoughts, whether of the present, past, or future, are so often clouded by aversive judgment. In short, this exercise can lead to some profoundly surprising insights about what the experience of being present usually is like and how it might be different just by shifting the direction and quality of attention that we bring.

Beyond all of these practices, another way I've brought mindfulness to the classroom is by asking a yoga teacher to lead classes in mindful movement. In one particular semester, a co-teacher brought in a very skilled sound bowl healer that the students connected with deeply. Next semester, with the help of another amazing yoga instructor I've had the fortune to know, we will integrate yin yoga practices into the curriculum. There's so much deep wisdom in yin yoga—and seminal books on the practice, by people like Paul Grilley and Bernie Clark, beautifully convey that deep wisdom. There are many yin lessons that directly link to the curricular lessons I offer to my students. For present purposes I'll just say that yin practices may be one of the most accessible ways to teach mindfulness in the classroom.

The main point I'm making is that the sort of inquiries into how the human mind works can't just be abstract and theoretical. That's why a well-being class should not just involve passive discussion of habits, mindsets and behaviors. Students have to be given opportunities to directly cultivate habits, recondition mindsets, and choose behaviors that contribute to flourishing.

CONCLUDING THOUGHTS

I first began work on this essay while on sabbatical in Guanajuato City, Mexico where my wife and I decamped for a couple of months. The town is nestled in a valley surrounded by steep hillsides. Our place was on an elevated perch on the eastern side of the city and from our breakfast room window I could drink my morning tea while enjoying the sky's rosy alpenglow before the rising sun first casts direct light on the hilltops in the distance. The scene would continue to unfold as the emerging sun steadily illuminated the western hillsides until they, and eventually the entire town, were completely bathed in light. It was a relentless illumination, imperceptible in any single moment but steady and unstoppable.

This morning it's the relentless illumination that I recall. I realize that this is what I want to teach my students about how our lives unfold. We may not notice how we spend each moment but the moments happen, nonetheless. We can look back and assess, in hindsight, the choices that we made but those moments are a part of who we are now. And that's what is either beautiful or tragic: whether we're aware of each moment that passes, our lives are the cumulative product of the consciousness that we bring to each moment. Often stuck in discontent, we readily forget—or it's possible that many of us have never realized—that the most valuable currency in this life is attention. Certainly, unlike the many individual challenges that our students will confront after graduation, attention is the one thing that they have power to control. By broadly conceptualizing the problem of well-being in the law as fundamentally about our unexamined minds, we can teach students that the most profound influence on a person's subjective well-being comes from choices they make about where and what to pay attention to and the quality of attention that they bring.