

## Finding Interior Peace in the Ordinary Practice of Law: Wisdom from the Spiritual Tradition of St. Teresa of Avila

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# FINDING INTERIOR PEACE IN THE ORDINARY PRACTICE OF LAW: WISDOM FROM THE SPIRITUAL TRADITION OF ST. TERESA OF AVILA

JACQUELINE NOLAN-HALEY†

## INTRODUCTION

It is no secret that the legal profession is troubled by a vocational crisis<sup>1</sup> and so the inquiry posed in this symposium—how the lives of extraordinary Catholics can inform the ordinary practice of law—is a particularly timely one. Against the background of Rambo litigation hoopla and the excesses of adversarial justice, Catholic legal scholars such as Mary Ann Glendon<sup>2</sup> and John Noonan<sup>3</sup> have written powerfully about the

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<sup>1</sup> See generally ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (Belknap Press 1993); JEAN STEFANCIC & RICHARD DELGADO, *HOW LAWYERS LOSE THEIR WAY* (Duke University Press 2005); Edward D. Re, *The Causes of Popular Dissatisfaction with the Legal Profession*, 68 ST. JOHN'S L. REV. 85 (1994); David Thunder, *Can a Good Person Be a Lawyer?*, 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 313 (2006); Howard J. Vogel, *The Terrible Bind of the Lawyer in the Modern World: The Problem of Hope, The Question of Identity, and the Recovery of Meaning in the Practice of Law*, 32 SETON HALL L. REV. 152 (2001). There is no shortage of suggestions on ways to improve the situation. See Robert F. Blomquist, *Ten Vital Virtues for American Public Lawyers*, 39 IND. L. REV. 493 (2006); Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 CLINICAL L. REV. 425 (2005); Gabriel Lerner, *How Teaching Political and Ethical Theory Could Help Solve Two of the Legal Profession's Biggest Problems*, 19 GEO. J. LEGAL ETHICS 781 (2006).

<sup>2</sup> See generally MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* (Farrar, Straus and Giroux 1994); MARY ANN GLENDON, *RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE* (Free Press 1991) [hereinafter *RIGHTS TALK*].

<sup>3</sup> See generally JOHN T. NOONAN, JR., *PERSONS AND MASKS OF THE LAW* (Farrar, Straus and Giroux 1976).

need to humanize the practice of law and demonstrate greater civility in lawyering. Legal reform projects have developed at a rapid pace and we have witnessed the growth of new directions in lawyering, all aimed ultimately at helping lawyers find an interior peace or spirituality that will have positive spill-over effects in their professional lives. Some of the more popular correctives include: holistic lawyering,<sup>4</sup> comprehensive law,<sup>5</sup> therapeutic jurisprudence,<sup>6</sup> preventive law,<sup>7</sup> restorative justice,<sup>8</sup> collaborative lawyering,<sup>9</sup> the alternative dispute resolution (“ADR”) movement<sup>10</sup> including transformative<sup>11</sup> and narrative mediation,<sup>12</sup> and mindfulness meditation.<sup>13</sup>

Given the multiple legal reform projects currently underway, one might reasonably ask: What could a 16th century Castilian Catholic mystic possibly add to this reform regime? In his first Encyclical Letter, *Deus Caritas Est*, Pope Benedict XVI wrote that “[t]he saints are the true bearers of light within history, for they are men and women of faith, hope and love.”<sup>14</sup> I will suggest in this symposium that Saint Teresa of Avila is a “true bearer[] of

<sup>4</sup> See, e.g., The International Alliance of Holistic Lawyers, <http://www.iah.org> (last visited Feb. 28, 2007).

<sup>5</sup> See, e.g., Susan Daicoff, *Law as a Healing Profession: The “Comprehensive Law Movement,”* 6 PEPP. DISP. RESOL. L.J. 1 (2006).

<sup>6</sup> See, e.g., DAVID B. WEXLER & BRUCE J. WINICK, *LAW IN A THERAPEUTIC KEY: DEVELOPMENTS IN THERAPEUTIC JURISPRUDENCE* (Carolina Academic Press 1996).

<sup>7</sup> See, e.g., ROBERT M. HARDAWAY, *PREVENTIVE LAW: MATERIALS ON A NON ADVERSARIAL LEGAL PROCESS* (Anderson Publishing Co. 1997).

<sup>8</sup> See, e.g., Andrea Kupfer Schneider, *Introduction to the Restorative Justice Symposium*, 89 MARQ. L. REV. 247 (2005).

<sup>9</sup> See, e.g., Pauline H. Tesler, *Collaborative Law: A New Paradigm for Divorce Lawyers*, 5 PSYCHOL. PUB. POL’Y & L. 967 (1999).

<sup>10</sup> ADR refocuses lawyers’ perspectives from adversarial, competitive practices to more problem-solving, cooperative processes such as mediation and consensus building. See JACQUELINE NOLAN-HALEY, *ALTERNATIVE DISPUTE RESOLUTION IN A NUTSHELL* (2d ed., West 2001).

<sup>11</sup> See, e.g., JOSEPH P. FOLGER & ROBERT A. BARUCH BUSH, *THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT THROUGH EMPOWERMENT AND RECOGNITION* (Jossey-Bass 1994).

<sup>12</sup> See, e.g., JOHN WINSLADE & GERALD MONK, *NARRATIVE MEDIATION: A NEW APPROACH TO CONFLICT RESOLUTION* (Jossey-Bass 2000).

<sup>13</sup> See, e.g., Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 HARV. NEGOT. L. REV. 1 (2002) [hereinafter Riskin, *The Contemplative Lawyer*]. See also Program on Negotiation: About The Harvard Negotiation Insight Initiative, <http://www.pon.harvard.edu/research/projects/hnii/about.php> (last visited Feb. 28, 2007).

<sup>14</sup> BENEDICT XVI, ENCYCLICAL LETTER *DEUS CARITAS EST* ¶ 40 (2005).

light within history”<sup>15</sup> and that wisdom from her spiritual tradition offers lawyers a contemplative model that can infuse their lives with a deep-rooted interior peace; the calming effect of this state can significantly improve how lawyers practice law, interact with clients, and respond to conflict. Teresa’s writings on self-knowledge and humility provide a rich reservoir from the Catholic mystical and meditative tradition that offers a radical alternative to the generic spirituality of many current efforts to resolve the legal profession’s vocational crisis.

I will begin tonight with a brief history of Teresa’s life, focus on those aspects of her writings that describe her contemplative approach, and then discuss the normative implications of adopting her contemplative model.

### I. HISTORICAL BACKGROUND

Teresa Sanchez de Cepeda y Ahumada was born of Jewish ancestry<sup>16</sup> in Avila, Spain on March 28, 1515, and she died as Mother Teresa de Jesu at Alma de Tormes on October 4, 1582. She became a Carmelite nun at the age of twenty and lived an unremarkable life as a religious in the Convent of the Incarnation in Avila.<sup>17</sup> When she was forty years old, after a debilitating illness, she began a serious prayer life that was influenced by her reading of St. Augustine’s *Confessions*.<sup>18</sup> This time period marked the beginning of her reform of the Carmelite order, a religious group whose presence Teresa believed would be essential to assist the Church in difficult times.<sup>19</sup> Teresa’s goal was to challenge the Carmelite order to move away from its lax practices towards a life of solitude and poverty, values more in keeping with the original intent of its founders.<sup>20</sup> In the process

<sup>15</sup> *Id.*

<sup>16</sup> ELIZABETH RUTH OBBARD, *LA MADRE: THE LIFE AND SPIRITUALITY OF TERESA OF AVILA* 15, 16 (1994).

<sup>17</sup> SAINT TERESA OF AVILA, 1 *THE COLLECTED WORKS OF ST. TERESA OF AVILA* 18–21 (Kieran Kavanaugh & Otilio Rodriguez trans., Inst. of Carmelite Studies 1987) [hereinafter *COLLECTED WORKS*].

<sup>18</sup> See HENRY L. CARRIGAN, JR., *Introduction* to *TERESA OF AVILA, THE WAY OF PERFECTION* xv (Henry L. Carrigan, Jr. ed., 2000).

<sup>19</sup> See ROWAN WILLIAMS, *TERESA OF AVILA* 7 (1991).

<sup>20</sup> See CARRIGAN, *supra* note 18, at xii–xvii. According to one author, Teresa’s *Vida* was a defense of her way of prayer, her vocation, and her entire persona . . . [She] made public, in a new way, the reform agenda she embodied, an agenda that included not only the reform of the Carmelite order but also the establishment of a place for women’s mystical experience

of reform, she established over sixteen foundations of Discalced (barefoot) Carmelites that included both men's and women's institutions. She faced opposition from within the church and her own religious order, as well as from civic authorities as she attempted to establish new religious foundations in cities and towns that were not interested in supporting additional convents. In between her prayer life and development works, Teresa authored significant collections of letters, poetry and books, the most notable of which are her autobiography, *The Interior Castle*, *The Way of Perfection*, and *The Book of Foundations of S. Teresa of Jesus*. She was declared patroness of Spain by Cortes in 1617,<sup>21</sup> canonized a saint by Pope Gregory VI just forty years after her death,<sup>22</sup> and declared a Doctor of the Church by Pope Paul VI in 1970,<sup>23</sup> the first woman to receive such an honor.<sup>24</sup>

## II. CONTEXT: THE SPAIN OF ST. TERESA OF AVILA

Teresa was born during the Catholic monarchy of Ferdinand and Isabella when Spain enjoyed a rich Renaissance.<sup>25</sup> Spanish writers were known throughout Europe while its explorers extended Spain's borders into South America.<sup>26</sup> Humanism flourished with the development of universities and translations of medieval texts.<sup>27</sup>

On the religious front, there was tremendous activity during this period of the Counter-Reformation. This was the era of the reforms instituted by the Council of Trent (1545–63), the Valdez Index of Forbidden Books, and the Inquisition, when all writings

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in the church.

GILLIAN T. W. AHLGREN, *TERESA OF AVILA AND THE POLITICS OF SANCTITY* 42 (Cornell Univ. Press 1998) (1966) [hereinafter *THE POLITICS OF SANCTITY*].

<sup>21</sup> SYLVIA MENDOZA, *THE BOOK OF LATINA WOMEN: 150 VIDAS OF PASSION, STRENGTH, AND SUCCESS* 9 (2004).

<sup>22</sup> MICHAEL FREZE, *PATRON SAINTS* 33 (1992).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> See *COLLECTED WORKS*, *supra* note 17, at 15.

<sup>26</sup> For a recent popular account of one of the more well-known voyages, see LAURENCE BERGREEN, *OVER THE EDGE OF THE WORLD: MAGELLAN'S TERRIFYING CIRCUMNAVIGATION OF THE GLOBE* (2005) (describing Magellan's journey from Spain to find a water route to the Spice Islands).

<sup>27</sup> See *THE POLITICS OF SANCTITY*, *supra* note 20, at 2 (describing important advances in humanism that occurred after Teresa's birth, including the establishment of the University of Alcalá, and translation of medieval works into the vernacular).

on prayer were closely scrutinized.<sup>28</sup> Teresa's works were censored by the Inquisition, which took one of her manuscripts and never returned it.<sup>29</sup> Saints who lived during her lifetime, many of whom she knew personally, include John of Avila, Ignatius of Loyola, Francis Borgia, Peter of Alcantara and her compatriot in reform, John of the Cross. At a critical point in her spiritual development, it would be the Society of Jesus founded by Ignatius of Loyola that Teresa would turn to for spiritual direction.<sup>30</sup>

### III. TERESA'S RELEVANCE TODAY

Teresa's reform agenda for the Carmelite order is found in her writings that were directed to assist members of the order in living a life of prayer, poverty, and solitude, according to the original intent of the Carmelite founders. From her writings, emerge Teresa's views on self-knowledge and humility, virtues that are linked to her model of contemplation. In the following sections, I will describe the Teresian contemplative model and distinguish it from other contemplative approaches that have attracted lawyers in their search for inner peace.

#### A. *Contemporary Reform Efforts in the Legal Community*

Lawyer dissatisfaction is by now a well-documented phenomenon. As Justice Sandra Day O'Connor observed in a speech a few years ago:

[L]awyers, as a group, [are] a profoundly unhappy lot. . . . Attorneys are more than three times as likely as non-lawyers to suffer from depression, and they are significantly more apt to develop a drug dependence, to get divorced, or to contemplate suicide. Lawyers suffer from stress-related diseases, such as ulcers, coronary artery disease, and hypertension, at rates well above average.<sup>31</sup>

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<sup>28</sup> This was particularly true of women's writings. *See id.* at 170.

<sup>29</sup> *See id.* at 3 (describing how the Inquisition's censors removed passages from Teresa's book and later took the book without returning it).

<sup>30</sup> *See* OBBARD, *supra* note 16, at 52–53. Teresa wrote in her autobiography: "I see that what happened was all for my greater good, that I might get to know and deal with people as holy as are those of the Society of Jesus." COLLECTED WORKS, *supra* note 17, at 204.

<sup>31</sup> Sandra Day O'Connor, "Professionalism," Speech at the Dedication of the William W. Knight Law Center, *in* 78 OR. L. REV. 385, 386 (1999). The problem is not limited to U.S. lawyers. *See* Jonathan Rayner, *More Lawyers Seek Help for*

Professor Susan Daicoff's work shows that in recent years attorneys have experienced an increase in psychological problems that began in law school<sup>32</sup> and Steven Keeva, who writes a monthly quality of life column for the ABA Journal, found that law students suffer from "debilitating levels of stress"<sup>33</sup> and experience a "chronic fear of humiliation."<sup>34</sup>

Personal unhappiness, coupled with negative public perceptions of the legal profession as a whole, has spurred a search for legal reform focused on ways to achieve greater understanding and knowledge of the self. This has taken shape in a wide range of endeavors that seek to humanize the practice of law.<sup>35</sup> One of the more popular efforts is mindfulness meditation based on the Buddhist tradition. Offered as a way to achieve self-awareness and inner peace, to alleviate suffering, and to achieve happiness,<sup>36</sup> mindfulness has been defined as "being aware, moment to moment, without judgment, of one's bodily sensations, thoughts, emotions, and consciousness."<sup>37</sup> Proponents of mindfulness meditation suggest that it can serve a range of goals including improved ethical negotiating behavior<sup>38</sup> and better mediator performance: "Mindfulness allows mediators to make better judgments about how the mediation process should work because it enables them to keep a focus on

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*Stress and Drink*, LAW GAZETTE, Jan. 11, 2007, available at <http://www.lawgazette.co.uk/news/breaking/view=newsarticle.law?GAZETTENEWSID=315689> (discussing how an increasing number of lawyers in the United Kingdom are seeking help for problems such as stress, depression, and alcoholism).

<sup>32</sup> See SUSAN DAICOFF, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1375–83 (1997) (finding that law students had high anxiety levels, high levels of psychological distress, feelings of paranoia, hostility, and obsessive-compulsiveness, that many law students feel alienated, and that some law students begin using alcohol or drugs).

<sup>33</sup> STEVEN KEEVA, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE* 4 (1999).

<sup>34</sup> *Id.*

<sup>35</sup> See *supra* text accompanying notes 4–13.

<sup>36</sup> See Riskin, *The Contemplative Lawyer*, *supra* note 13, at 23, 27.

<sup>37</sup> Leonard L. Riskin, *Mindfulness: Foundational Training for Dispute Resolution*, 54 J. LEGAL EDUC. 79, 83 (2004) [hereinafter Riskin, *Mindfulness*]. Mindfulness meditation is also known as "insight meditation" and "vipassana meditation." *Id.*

<sup>38</sup> See Van M. Pounds, *Promoting Truthfulness in Negotiation: A Mindful Approach*, 40 WILLAMETTE L. REV. 181, 210 (2004) ("Mindfulness guides the lawyer toward a more truthful negotiation path by surfacing, and by giving greater meaning to, the lawyer's internal needs and values.").

goals and to maintain a moment-to-moment awareness (to be 'present' with themselves and others)."<sup>39</sup>

Mindfulness meditation and similar processes based on the Buddhist tradition look inwards to achieve self-realization. Body and breath are observed carefully. The process of bringing our consciousness to experience self-realization involves having oneself concentrate by looking inward.<sup>40</sup>

The legal profession is beginning to pay attention. Several law schools have integrated mindfulness into their dispute resolution curriculums;<sup>41</sup> prominent law firms have conducted mindfulness training<sup>42</sup> and the ABA Section of Dispute Resolution has supported mindfulness programs for lawyers.<sup>43</sup> In one of his ABA Journal columns dedicated to the search for inner satisfaction in the legal life, Steven Keeva turns to mindfulness meditation in the medical context and argues for the right of lawyers to express their emotions, including tears, where appropriate.<sup>44</sup> Describing what he says is many practitioners' obsession with thinking like a lawyer, being more concerned with the construct of the case rather than the person of the client sitting across from them, Keeva quotes approvingly from the director of the Center for Mindfulness in Medicine, Healthcare and Society at the University of Massachusetts: "The linear, discursive mind has come loose from its moorings—its proper place. . . . We have built a boat and mistaken it for the sea. Yet beyond the labels of patient of practitioner [read 'client and lawyer'] we are all in the same boat thirsting for the same living water."<sup>45</sup>

What explains the current attraction of mindfulness meditation? A law school graduate who attended three mindfulness retreats provides one answer: "Since we bill ourselves as master strategists and problem-solvers, lawyers

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<sup>39</sup> Riskin, *Mindfulness*, *supra* note 37, at 86.

<sup>40</sup> One example of the process involved in attaining self-realization is offered by Ko'un Yamada, *Is Zazen a Religion?*, in TAIZAN MAEZUMI & BERNARD GLASSMAN, *ON ZEN PRACTICE: BODY, BREATH, AND MIND* 73, 74 (2002).

<sup>41</sup> See Riskin, *The Contemplative Lawyer*, *supra* note 13, at 40–42.

<sup>42</sup> See Riskin, *Mindfulness*, *supra* note 37, at 85.

<sup>43</sup> See Riskin, *The Contemplative Lawyer*, *supra* note 13, at 36.

<sup>44</sup> See Steven Keeva, *What Tears May Tell*, 92 A.B.A. J. 80, 80 (2006).

<sup>45</sup> *Id.* (quoting Saki Santorelli, executive director of the Center for Mindfulness in Medicine, Healthcare and Society at the University of Massachusetts Medical School).



should realize that a contemplative approach is the key to solving our own chief problem: the meaning, purpose and manner of our lives.’”<sup>46</sup> To the extent that a contemplative approach *does* hold the key to personal understanding, I will draw on some wisdom writing from the spiritual tradition of St. Teresa of Avila to suggest that her contemplative model can engage lawyers in an authentic search for a full appreciation of who we really are. The insights achieved from this inquiry can have potentially transformative effects on the practice of law.

*B. A Teresian Approach to Contemplation: Prayer, Self-Knowledge, and Humility*

Teresa’s model for achieving interior peace results from a unity of prayer, self-knowledge, and humility. The foundation of her model rests on prayer—this is the key to knowledge of God—and it is knowledge of God that leads to self-knowledge or self-awareness.<sup>47</sup>

In the *Way of Perfection*, Teresa defined mental prayer as:

[B]eing aware and knowing that we are speaking, with whom we are speaking, and who we ourselves are who dare to speak so much with so great a Lord. To think about this and other similar things, of how little we have served him and how much we are obliged to serve him, is mental prayer.<sup>48</sup>

She describes the “prayer of quiet” in which “the soul enters into peace or, better, the Lord puts it at peace by his presence, as he did to the just Simeon, so that all the faculties are calmed.”<sup>49</sup> For Teresa, even in the midst of our work, we can seek the calming effects of prayer and so she encourages the prayer of recollection:

We must, then, disengage ourselves from everything so as to approach God interiorly, and even in the midst of occupations withdraw within ourselves. Although it may be for only a moment that I remember I have that Company within myself, doing so is very beneficial. In sum, we must get used to

<sup>46</sup> See Riskin, *The Contemplative Lawyer*, *supra* note 13, at 43 (quoting Interview with Douglas Codiga, Graduate, Yale Law School, in Northampton, Mass. (Oct. 2001)).

<sup>47</sup> I use the terms “self-knowledge” and “self-realization” interchangeably.

<sup>48</sup> ST. TERESA OF AVILA, *THE WAY OF PERFECTION* ch. 25, para. 3 (Kieran Kavanaugh & Otilio Rodriguez trans., ICS Publications, Study ed. 2000) (1946) [hereinafter Kavanaugh].

<sup>49</sup> *Id.* ch. 31, para. 2.

delighting in the fact that it isn't necessary to shout in order to speak to him, for His Majesty will give the experience that he is present.<sup>50</sup>

Unlike mindfulness meditation and other approaches in the Buddhist tradition that look inward towards the self in order to achieve self-realization,<sup>51</sup> Teresa's prescriptive advice on how to gain self-knowledge is to look outside of ourselves, towards God:

As I see it, we shall never succeed in knowing ourselves unless we seek to know God: let us think of His greatness and then come back to our own baseness; by looking at His purity we shall see our foulness; by meditating upon His humility, we shall see how far we are from being humble.<sup>52</sup>

She offers two advantages in the outwards approach of turning ourselves towards God in order to achieve deeper insights:

First, it is clear that anything white looks very much whiter against something black, just as the black looks blacker against the white. Secondly, if we turn from self towards God, our understanding and our will become nobler and readier to embrace all that is good: if we never rise above the slough of our own miseries, we do ourselves a great disservice.<sup>53</sup>

The pursuit of self-knowledge is linked to prayer, and it should infuse in us the virtues of love, detachment, and humility. For Teresa, the boundaries of prayer are self-knowledge. She writes in the *Way of Perfection*: "[L]et your prayer always begin and end with self-knowledge."<sup>54</sup>

There is then, a paradoxical quality to Teresa's understanding of self-knowledge because it was centered not on the self, but on God. Her claim would be that "[f]rom learning to look at God in truth we discover the truth about the self."<sup>55</sup> And

<sup>50</sup> *Id.* ch. 29, para. 5.

<sup>51</sup> *See supra* note 40.

<sup>52</sup> ST. TERESA OF AVILA, *INTERIOR CASTLE* 38 (E. Allison Peers ed. & trans., 1961).

<sup>53</sup> *Id.* at 38.

<sup>54</sup> Kavanaugh, *supra* note 48, at ch. 39, para. 5. Teresa is not alone among the extraordinary Catholics of this symposium who commended the path of self-knowledge. St. Ignatius of Loyola, one of her contemporaries during the Counter-Reformation saint would make self-knowledge a critical component in his *Spiritual Exercises*. *See* Gregory A. Kalscheur, S.J., *Ignatian Spirituality and the Life of the Lawyer: Finding God in All Things—Even in the Ordinary Practice of Law*, 46 J. CATH. LEGAL STUD. 7 (2007).

<sup>55</sup> SAM ANTHONY MORELLO, *LECTIO DIVINA AND THE PRACTICE OF TERESIAN*

this truth is critical because self-knowledge for her was linked to true humility.<sup>56</sup> In the *Interior Castle*, she writes: “[S]elf-knowledge is so important that, even if you were raised right up to the heavens, I should like you never to relax your cultivation of it; so long as we are on this earth, nothing matters more to us than humility.”<sup>57</sup>

At the end of the contemplative journey inner peace will be achieved through the exercise of love, detachment and humility. The latter two are linked together, as “inseparable sisters”:<sup>58</sup>

Do not think, my friends and daughters, that I shall burden you with many things . . . I shall enlarge on only three things, which are from our own constitutions for it is very important that we understand how much the practice of these three things helps us to possess inwardly and outwardly the peace our Lord recommended so highly to us. The first of these is love for one another; the second is detachment from all created things; the third is true humility, which even though I speak of it last, is the main practice and embraces all the others.<sup>59</sup>

### C. *Self-Knowledge and Humility in the Practice of Law*

What are the normative implications of Teresa’s contemplative model? How can self-knowledge and humility improve the practice of law? Do these Teresian prescriptions offer any insights not already available in the legal academy such as the pedagogical approach of clinical legal education,<sup>60</sup> the writings of contemporary scholars arguing for greater humility in the practice of law,<sup>61</sup> or calls for spiritual revitalization of the

PRAYER 17 (1995).

<sup>56</sup> *See id.*

<sup>57</sup> INTERIOR CASTLE, *supra* note 52, at 38.

<sup>58</sup> Kavanaugh, *supra* note 48, ch. 10, para. 3.

<sup>59</sup> *Id.* ch. 4, para. 4.

<sup>60</sup> Clinical methodology would have students ask after a particular lawyering task—how did I do? Could I have done it better? If so, how? *See, e.g.*, J.P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL L. REV. 55, 56 (1996) (noting how the use of journals, such as diaries, is a pedagogical tool beneficial to law students).

<sup>61</sup> *See, e.g.*, Chenise S. Kanemoto, *Bushido in the Courtroom: A Case for Virtue-Oriented Lawyering*, 57 S.C. L. REV. 357, 372 (2005); Brett Scharffs, *The Role of Humility in Exercising Practical Wisdom*, 32 U.C. DAVIS L. REV. 127, 164 (1998).

legal profession?<sup>62</sup> I will suggest two areas where the Teresian contemplative approach may prove beneficial.

### 1. Improve Client Counseling

The conscious search for self-knowledge and the practice of humility can help lawyers to acknowledge their interconnectedness with clients, and in this process, to develop a more authentic human relationship with them. Humble lawyers are more likely to engage in respectful deliberations with their clients on a regular basis. Deliberation is a reflective activity that requires active client participation. Unfortunately, in many versions of client counseling today, the value of responsible client decision-making is noticeably under-represented.<sup>63</sup> Rather than respecting clients by engaging in meaningful deliberation with them, lawyers simply try to control the process.

In the political sphere, Professor Mary Ann Glendon has advocated for greater deliberation based on respect for the intrinsic value of every human being. She argues that the deliberative process must rest on some basic social assumptions:

[T]he belief that each and every human being possesses great and inherent value, the willingness to respect the rights of others even at the cost of some disadvantages to one's self, the ability to defer some immediate benefits for the sake of long-range goals, and a regard for reason-giving and civility in public discourse.<sup>64</sup>

Glendon's views on the benefits of deliberation in the political process are equally true in the client counseling process. The practice of self-knowledge and humility can help lawyers ground client counseling in a deliberative and problem-solving process that is focused more on meeting their clients needs than on their own. Quite apart from the exercise of virtue, this is a pragmatic approach that makes good business sense. The insights gained from lawyer and client dialogue about the merits of particular courses of action help to achieve educated client

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<sup>62</sup> See, e.g., DAVID HALL, *THE SPIRITUAL REVITALIZATION OF THE LEGAL PROFESSION: A SEARCH FOR SACRED RIVERS* (2005).

<sup>63</sup> See Jacqueline M. Nolan-Haley, *Lawyers, Clients, and Mediation*, 73 NOTRE DAME L. REV. 1369, 1379–81 (1998).

<sup>64</sup> RIGHTS TALK, *supra* note 2, at 179.

decision-making which is the hallmark of the informed consent doctrine. Informed clients are usually happy customers.<sup>65</sup>

Teresa's contemplative model can enhance the experience of trust in the interactions between lawyers and clients. Trust is an essential part of all human relationships and it should provide the foundational structure for the client counseling relationship.<sup>66</sup> To the extent that the practice of self-knowledge and humility helps lawyers to develop more authentic human relationships with clients, encourages greater deliberation between lawyers and clients, and improves informed consent practices, trust is deepened and there is less likelihood that lawyers will be dishonest with their clients.<sup>67</sup>

## 2. Encourage More Problem-Solving and Peace-Making in the Practice of Law

The interior peace that results from practicing self-knowledge and humility helps to integrate more deeply into lawyers' professional lives, peacemaking practices such as problem-solving, and consensus-building. These are lawyering activities acknowledged more in rhetoric than in reality in contemporary law practice. By adapting Teresa's vision of love for one another, detachment, and true humility, lawyers can honor in their ordinary practice of law a deep respect for the dignity of every human being. This is a simple but powerful vision that can have a transformative effect on how the legal profession resolves and manages conflict.

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<sup>65</sup> See, e.g., Jenny B. Davis, *What I Like About My Lawyer: Happy Clients Speak out on What Sets Their Lawyers Apart*, 89 A.B.A. J. 33 (2003) (listing anecdotal reports of clients who appreciate lawyers who listen to and communicate with them).

<sup>66</sup> Some scholars have advocated for more trust and cooperation in the practice of law. See, e.g., Ronald J. Gilson & Robert H. Mnookin, *Disputing Through Agents: Cooperation and Conflict Between Lawyers in Litigation*, 94 COLUM. L. REV. 509, 564 (1994); Gerald R. Williams, *Negotiation as a Healing Process*, 1996 J. DISP. RESOL. 1, 62–63 (1996).

<sup>67</sup> Despite professional responsibility rules that require lawyers to communicate and to do so honestly with their clients, many lawyers fail to do so. In a study conducted by Professor Lisa Lerman at Catholic University, lawyers reported lying to clients in a wide variety of contexts. See Lisa G. Lerman, *Lying to Clients*, 138 U. PA. L. REV. 659, pt. IV (1990) (noting the various situations in which lawyers often lie to their clients). See generally Kanemoto, *supra* note 61, at 368–69 (stating that “lawyers reported lying to clients to bring in business, cover up mistakes, impress clients, impress their boss, or conform to a particular law firm atmosphere”).

## CONCLUSION

Put simply, the Teresian model of contemplation—the active practice of prayer, self-knowledge, and humility—has the potential to help lawyers lead more balanced lives, with the interior freedom to incorporate a faith-filled perspective in their work.<sup>68</sup> In relating this model to the ordinary practice of law, it is important to keep in mind that it was not conceived in the lonely life of a prayer cell. Teresa energized her theory of prayer with extensive engagement in the secular world. She was actively involved in complex negotiations with lawyers, civic authorities, Church officials, and her own congregation. Her ministry required her to obtain licenses, civil and ecclesiastical permits, and to engage in massive fundraising. In *The Book of Foundations of S. Teresa of Jesus*, she describes multiple negotiation strategies for accomplishing what she did in the face of numerous obstacles.<sup>69</sup> She traveled across Spain in wagons and barges and was physically sick for most of her life. Hailed as an icon of contemporary feminism,<sup>70</sup> Teresa is considered one of the most important saints of the Counter-Reformation.<sup>71</sup> Generations from now, enlightened lawyers may also consider her a valuable guide for achieving interior piece in their ordinary practice of law.

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<sup>68</sup> Teresa would surely agree with the growing number of scholars who insist on the relevance of a lawyer's faith to her work. See, e.g., JOSEPH G. ALLEGRETTI, *THE LAWYER'S CALLING: CHRISTIAN FAITH AND LEGAL PRACTICE* 96–102 (1996); THOMAS L. SHAFFER, *ON BEING A CHRISTIAN AND A LAWYER: LAW FOR THE INNOCENT* (1981) (discussing the role of the Christian religion in the law); Russell G. Pearce & Amelia J. Uelmen, *Religious Lawyering in a Liberal Democracy: A Challenge and an Invitation*, 55 CASE W. RES. L. REV. 127, 127 (2004) (discussing the growing role of religion among lawyers of all denominations); Teresa Stanton Collett, *Teaching Law as a Profession of Faith*, 36 S. TEX. L. REV. 109, 109 (1995) (book review).

<sup>69</sup> ST. TERESA OF AVILA, *THE BOOK OF THE FOUNDATIONS OF S. TERESA OF JESUS* (David Lewis trans., 1913).

<sup>70</sup> See CATHLEEN MEDWICK, *TERESA OF AVILA: THE PROGRESS OF A SOUL* xvi (1999).

<sup>71</sup> See *THE POLITICS OF SANCTITY*, *supra* note 20, at 1.

