SECTION 1

What Is Integrative Law?

“Integrative Law is a new wave of legal practices that are being developed and implemented all over the globe to serve the same needs and purposes as the conventional legal system, but to do so in a way that is far more likely to generate productive outcomes, heal broken relationships, address not only the conflict but also deal effectively with the conditions that gave rise to the conflict, and thus, turning conflict into an opportunity to co-create a better world for all.

— Linda Alvarez, Discovering Agreement

“Integrative law is a context for law, more of a lens than a practice area. It is like putting on 3D glasses—your perception of the world changes. The Integrative Law “glasses” have to do with seeing the legal system as an interconnected system of human beings. The Integrative Law approaches are expressions of the interconnected view of the world that arise in many different contexts.

— Glenn Meier, Las Vegas, Nevada, USA
An integrative approach to law involves a mindshift towards understanding that a legal system is a fluid and dynamic system, inextricably woven into the fabric of the society it is expected to contain. We are at a moment in legal history that requires a fundamental reorganization towards problem-solving and a new operating system to successfully address our global epidemic of chronic conflict. Old legal practices and court models produce fragmented, compartmentalized outcomes which do not resolve the core problems or produce positive societal or individual satisfaction. Lawyers and law firms need to start shifting consciously from a rigid, hierarchical, left-brain, win/lose mindset to a more intuitive, inclusive, inter-connected world view. These shifts will not only change the perception of the legal profession in the public’s eye but will also allow lawyers to fulfill their client’s needs in a more authentic way. All over the world new legal practices and processes are arising in response to these issues.

— Amanda Boardman Lamond, Centre for Integrative Law, South Africa

Integrative law is an international movement that responds to the challenges of law practice with creative, innovative solutions. It blends the human and the analytical. The approach spans personal and systemic change. Integrative lawyers are purpose-oriented, that is, they have a clear sense of their own purpose and the purpose of law; they have a broader view of their roles as lawyers, often seeing themselves as change agents; and they are innovative, looking for ways to serve clients and themselves.

— Kim Wright in Lawyers Weekly, Australia, 2012
The Blind Men and the Elephant

When I am asked to explain Integrative Law, I usually start with the story of the Blind Men and the Elephant. It is based on an ancient teaching story. Six blind men encounter an elephant for the first time. Each touches a different part of the animal. One touches the leg and says, “An elephant is like a tree.” The man who touches the trunk says it is like a snake, the tail is like a rope, the ears are like fans, the back is like a wall, and the tusks are like swords. They argue about the elephant, each being convinced he is right, each seeing only a part of the whole.

I carry a stuffed elephant, designed and made by my friend, Diana Baumbauer. The fabric illustrates the poem: brown wood-grained legs, a brick wall back, a braided rope tail, etc. It is a good teaching tool and visual for talking about systems change, a complex concept. (It also makes a nice pillow on an airplane.)

Integrative Law is like that elephant. There are many angles and pieces to the movement. Many people have a clear view of one and know nothing of the others. Some have a vague idea about the other parts of the movement. Others have a sense of the whole elephant without distinguishing the various pieces. Some of the distinctions overlap the others.

Although I am arguably an expert in the topic of Integrative Law, I am still learning about this movement. Sometimes it seems that I can see a new angle in every conversation. I make presentations to many different groups with different values and expertise, so that comes in handy. I can spend Monday talking to commercial lawyers about the integrative approach to contracts, turn around on Tuesday and talk to defense lawyers about restorative justice, and then on Wednesday have a conversation with family lawyers about amicable divorce. I’ve taught mindfulness to legal aid lawyers and have talked about social justice with academics.
In every conversation, I am talking about the whole elephant, but starting from the specific piece the group knows well. We start with something familiar, such as the tree trunk legs (or need for clarity in contracts), and then we step back and discuss other aspects of the bigger context.

This book is a walk around the elephant. Readers of the book will come from different perspectives. Some of the aspects may seem familiar, but you may not know how they’re connected. Eventually, as you read this book, you will see the whole elephant and will grok Integrative Law.

My workshops often start in a state of confusion and chaos. Stick with me through this. It is very different from what you were told to expect in law school. Legal training artificially assumes that life can be compartmentalized. In real life, legal issues are complex sets of circumstances that we sort into artificial categories. We lawyers categorize a car accident as a tort and say that the criminal charges for driving under the influence are handled by a different court in the criminal system.

Eventually, you will understand. That understanding will open possibilities for you as you inquire into how to incorporate the principles into the job you have or find or create the job you want.

History of the Name Integrative Law

In Lawyers as Peacemakers, I wrote about the emerging movement. At that time, Integrative Law was one of a dozen names being used to describe the movement. I was reluctant to assign one name when so many were in use, and I didn’t feel qualified to name a whole movement. After all, I was just one member of a community. Because the approaches have gone by so many names, I usually just referred to “the movement.”

In 2011, restorative mediation pioneer Ken Jaray of Colorado suggested it was time for a gathering of lawyers in the movement. He agreed to host a summit in Manitou Springs, Colorado. We wanted to have a group of about twenty and therefore invited a few more than thirty. In the end, thirty people accepted the invitation and attended the summit.

It was a meeting without a preconceived agenda or structure, leaders coming together to talk about our work in the world. We had judges, professors, law students, a legislator, and representatives of collaborative law and restorative justice sharing law, business, intellectual property, securities, and more. Because we were beginning on Sunday and flights into Colorado Springs were limited, we began with a drop-in conversation café session. Questions were placed on tables, and participants rotated from table to table every few minutes. They got to know each other by their passions, purposes, and values, not their titles or jobs. Camaraderie developed quickly.
Summit Circle

The next morning we sat in a circle. Susanne van der Meer, a graphic recorder and lawyer-mediator, captured our conversations. I talked for a few moments and then asked what we wanted to do. From the floor came a suggestion that we needed a name to describe the movement that encompassed all our legal approaches. The conversations of the day before had demonstrated a common core, and a name was needed.

I was reluctant. For more than a decade, I'd attended gatherings where the goal was to find a label that everyone could accept. It hadn't happened, and I didn't want to spend the whole event on that task. But I surrendered to the group.

Within five minutes, the name “Integrative Law” was suggested and accepted by consensus. Several tracts of discussion were suggested, and people broke into small groups to work on projects.

Beyond the Summit

We spent a great deal of time in the summit creating a Wikipedia description of the movement, but the posting was rejected because the label was not in common use. We decided to step back and let the name propagate.

As we'd hoped, the term Integrative Law began to be used. Many lawyers who heard the term embraced it. Social media groups were formed by people we didn't even know. Organizations were created.

In August 2013, the American Bar Journal even published an article with the headline “Is the integrative law movement the next ‘huge wave’ for the legal profession?”

The article set out this description of Integrative Law:

Unlike traditional law practice, which is often competitive and aggressive, integrative lawyers are trying to simultaneously make a difference in the world, earn a good living and lead satisfying personal lives. According to Pauline Tesler, director of the Integrative Law Institute, integrative law is the “umbrella term for a variety of vectors that have become more widely known” in the past few years. The movement encompasses some forms of mediation, restorative justice, collaborative practice, and even elements of positive psychology and social neuroscience.

Integrative lawyers focus on out-of-court solutions and the well-being of all players in the legal system—lawyers and clients included. Over the past several years, the movement has gained momentum. And Tesler, who has trained more than 6,000 people in integrative law principles over the past 20 years, is convinced it is the next “huge wave coming to the legal profession.”

1 www.abajournal.com/magazine/article/integrative_law_puts_passion_into_the_profession/