

# Beyond ADR: Integrative Law

By J. Kim Wright

By the time I graduated from law school in 1989, I had decided that I never wanted to be a lawyer. I'd gone to law school with high hopes for making social change and helping people. You know: I wanted to do something like create peace in the Middle East or something as impressive. Interactions with my classmates and the legal system had dashed those hopes. I lost hope in the legal system and worked in the nonprofit world for a few years, running a domestic violence agency and working in an organization dedicated to ending hunger.

In November, 1993, I was in a personal transformation course when a tall, distinguished man stood up to introduce himself. His calm and polished presence got my attention. His words transformed my life. Forrest Bayard was a divorce lawyer and he shared his philosophy of practicing holistically, as a healer, granting dignity to everyone in the process. As a family lawyer, his goal was to help clients end their marriages and still be amicable co-parents. I hadn't known that such an approach was possible. That brief introduction reinvigorated the law and me.

I opened my law office and soon found that a lot of what I had feared about being a lawyer was actually true. Many colleagues were argumentative and seemed to enjoy inflaming and escalating conflict. Litigation was often harmful to already precarious parenting relationships. But, for me, something was different. I now knew that it was possible to practice law in a different way.

I began to design my law practice based on my own values and aspirations. As a self-identified holistic lawyer and peacemaker, I sought out the most innovative peacemaking and healing approaches to law. Over the course of the next 14 years, I became a mediator, a collaborative lawyer, a restorative justice practitioner, a lawyer-coach, and more. I learned plain language drafting and began to write relationship-focused contracts. I became involved in humanizing legal education, therapeutic jurisprudence and creative problem-solving. I studied neuroscience, appreciative inquiry, systems change, and non-violent and non-defensive communication. I worked on my personal transformation and looked for ways to integrate that in my law practice. My clients responded enthusiastically.

I began to meet other lawyers who were on similar paths. I was not alone! In 2007, I was involved in more than a dozen conferences as an organizer, speaker, and attendee: holistic law, humanizing legal education, collaborative law, Lawyers as Peacemakers, ACR, etc. The conferences were hosted by diverse groups, but the themes were similar, the content was holistic and innovative. My study of systems change had helped me to see that movements are created by innovators who connect with each other, share ideas, and gain courage from knowing they are not alone. I saw an opportunity to make a difference, as a connector.

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*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.*

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*—Glenn Meier, Meier Fine & Wray, Las Vegas, Nevada, USA*

Early in 2008, I began an adventure of traveling around the world, finding, supporting, and connecting innovative peacemaking lawyers. I expected to be gone for a few months. I just celebrated the end of my eighth year as a nomad. I have spoken with and to thousands of lawyers, law students, and others involved in law and conflict resolution. I've been to five continents and many countries, with plans to visit the last continent (South America) in 2016. Just as I saw the seeds of a movement in 2007, I've seen the same evolution among different practice areas, and across disciplines, in every country where I have visited. Something is happening in law, something systemic and contagious.

Over hundreds of cups of coffee and tea, I've observed an evolution of law that reflects the evolution of society, although admittedly, our profession doesn't change as fast as others. That is partly by design: law is based on precedent. The adversarial court system was a big improvement over dueling and jousting. Courts were designed to provide stability and predictability for society and to keep us from just jumping on fads. The existing system was built on the societal values of the past.

Some lawyers are creating models and approaches based on current societal values. They are experimenting and innovating, piloting new models. Starting with mediation, innovators have left the broken court system and adopted or invented new ways of practicing. Dozens of new models have been initiated. Lawyers can be powerful problem-solvers when they have to be.

In 2011, a group of 30 of these leaders in legal innovation came together and compared notes. We were peacemakers, problem-solvers, and healers from across North America. On the surface, it didn't look like we had much in common. Law professors, transactional lawyers, restorative justice practitioners, collaborative lawyers, personal injury lawyers, mediators, judges....we were a motley crew. After only a few hours together, we had identified common values and mindsets. Someone suggested that we should have a name to describe us all. By consensus, we chose Integrative Law.

When I speak or train about Integrative Law, I often talk about some of those emerging models and innovators. It helps to start with a topic people know about. Perhaps someone has heard of restorative justice through the frequent press coverage in the *New York Times* and episodes of *Oprah*. Maybe they've heard of Wevorce, the amicable divorce technology+ model which has appeared in the *Wall Street Journal*, *Forbes*, and many other media. For some, mediation or collaborative practice are familiar. Sharing law is intriguing for those who work in communities. In-house counsel resonate with Conscious Contracts. (The list goes on and covers virtually every practice area.)

Over the years, in country after country, I've heard the same story over and over – and my own journey is pretty much the same as those I've heard. Becoming an integrative lawyer is an evolutionary process. Not everyone takes the journey, not everyone takes every step, and sometimes the order varies, but there is enough of a pattern to see the trend. Perhaps you will see yourself on this path. These are some common experiences:

### **Responding to the Tripartite Crisis: Something is wrong here!**

As I did, many lawyers experience some aspect of what law professor Susan Daicoff calls a “tripartite crisis” in the legal profession: low levels of lawyer well-being, low public reputation, and incivility among professionals. Statistics also show that for many, our profession has high levels of depression, addiction, relationship dysfunction, and suicide, as compared to the general public. Most of

the integrative lawyers have hit the wall in some way and begin to look for a better way. I've often heard, "I just couldn't do it the old way anymore."

Of course, some lawyers enjoy their work and think their lives are just fine. Often, those lawyers are still able to see that something else is possible, that they can enjoy their work even more.

### **Reflecting on Self, Relationships, the Profession**

Faced with a personal crisis in law, many lawyers take up some sort of reflective practice. Stress may lead a lawyer to meditate or practice yoga, as thousands of lawyers have. Music, art, or other forms of self-expression may also provide opportunities for reflection. Reflection quiets the busy lawyer mind enough to begin to reflect on important questions about life.

Mindfulness meditation is a hot trend for lawyers. At least a dozen law schools now teach some form of contemplative practice. Law firms, bar associations, and independent groups offer opportunities for group meditation in many communities around the world.

But, integrative lawyers can't stop with this. Often, reflective practices just illuminate the problems and integrative lawyers seek alignment between their inner selves and outer work.

### **Purpose and values**

Taking time to quiet the chaos of the lawyer-mind, often leads a lawyer to identify her own purpose and values and to ask the questions that lead to living aligned with those values. I recall that my own reflections led to identifying myself as a Peacemaker...and then asking how in the world could I design a law practice based on that? [At that time, the mid-1990s, lawyer and peacemaker were considered to be antonyms.] The question led me to explore not only my own purpose and values, but those of my clients, as well. I added questions to my intake forms, such as: What are your most cherished values? Knowing this, I was much better able to represent what was important to my client, not just what he could get in a case, but what would reflect what he actually wanted.

### **Thinking Systemically**

Integrative lawyers begin to think systemically, seeing interconnectedness and adopting new ways of thinking about how we impact each other. Many of us are on a quest to find the pivot points where small change can lead to big shifts. Integrative Lawyers realize that there are many stakeholders in every conflict and began to look beyond the presenting issues, to deeper cause and effect. We recognize that society is becoming more complex and that it is necessary to embrace the complexity while seeking to make the law understandable and workable.

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*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.*

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*—Linda Alvarez, Author of Discovering Agreement, Contracts that Turn Conflict Into Creativity, an ABA book.*

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## **Harbingers of a new cultural consciousness and leaders in social evolution.**

Integrative Lawyers are leaders in an integral worldview which honors the wisdom and best parts of all previous worldviews while embracing emergent new ideas. Integrative lawyers bring this consciousness into the law and are partners with our colleagues in other disciplines. We are open to exploring and drawing upon many disciplines and wisdom traditions, such as, philosophy, science, metaphysics, psychology, and spirituality.

Integrative Lawyers default to collaborative approaches to problems, but are not afraid to take stands. We see that collaboration and cooperation are more workable than divisiveness and polarization. We understand that full self-expression can lead to conflict, and that, when approached consciously, can be prevented or resolved in ways that are productive and preserve the relationships between all stakeholders. We don't have to agree, we can still be kind to each other and grant dignity to Life.

### **Becoming the Changemakers**

This inner work leads lawyers to adopt or invent new models of practicing. I am always inspired and amazed at the creativity of lawyers. Often similar approaches will emerge simultaneously, without contact between the inventors. For example, dozens of lawyers have invented holistic law without ever having met another holistic lawyer. Another trend, using images in legal documents, even using cartoons to illustrate legal concepts, originated on three continents at about the same time.

### **Our Numbers**

We really don't know how many Integrative Lawyers there are. The term is new enough and the group is emergent enough that many of the most "integrative" are not even aware of the label. In my travels, I meet them all the time. They often find me on the internet and write to me. Sometimes they show up at conferences or trainings. I can tell you this, there are more than you think and we are not alone. I know that because I meet more of them than I ever imagined and I started out pretty optimistic. And we're a pretty diverse crowd, covering the globe, all practice areas, and a lot of personality types.

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*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.*

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*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.*

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*—Amanda Lamond, Director, Centre for Integrative Law, South Africa*

In August, 2013, the American Bar Journal published an article with the headline: “Is the integrative law movement the next 'huge wave' for the legal profession?” Of course, I’d like to answer that with a resounding, “Yes!”

## **Challenges**

Being integrative is more of an issue of deportment and the unseen. A lot of what it takes to be an integrative lawyer isn’t what you learn in a classroom; it isn’t like the bar exam where analytical knowledge is measured. It isn’t a certification or a list of books someone has read. How do you measure listening? How do you measure creativity or emotional maturity? What tools tell us about consciousness? We can recognize when someone is connecting with us, but we don’t necessarily have measures to gauge that. I have encountered many lawyers who had not made the paradigm shift, who took the integrative procedures into meetings without also bringing the mindset.

The process of evolution feels slow to those who envision a better world, but with consistency and determination, momentum can be reached. I compare it to riding a bicycle up a steep hill. We undertake that hill in our personal lives and in our practices. We may put in a lot of effort in the beginning, but eventually we reach a point where something shifts and we can move faster. Soon, we’re gliding down the hill, not sure why it took so much energy to get there.

**J. Kim Wright** is a leader and storyteller for the integrative law movement. A 2009 ABA Legal Rebel, she is the author of *Lawyers as Peacemakers*, *Practicing Holistic, Problem-Solving Law*, a 2010 ABA best-seller, and *Lawyers as Changemakers*, *The Global Integrative Law Movement* (ABA, 2016). Having been Mom to 16 children who are all now adults, Kim was trained to keep a lot of balls in the air. She coaches lawyers on aligning their values and law practices; speaks and trains around the world; and is a catalyst for a lot of change. To see where she is or what she is up to, see her central website at [www.jkimwright.com](http://www.jkimwright.com) and follow her on social media: <https://www.facebook.com/cuttingedgelaw>, <https://www.linkedin.com/in/jkimwright>, and on Twitter @cuttingedgelaw.