

INTEGRATIVE LAW

J. KIM WRIGHT, J.D.*

It is hard to be well in a broken system. The predominant culture of the legal profession is dysfunctional and it encourages isolation and unhealthy competition. We can meditate and exercise and get sleep, but if we still get up and go to work in a dysfunctional system, our well-being is going to suffer.

If you could design law practice to work for clients, to align with the values and needs of the lawyers, clients, and society, what would it look like? Around the world, integrative lawyers are doing just that.

From the relational practices of collaborative law and restorative justice, to the healing focus on therapeutic jurisprudence, to the creativity of values-based contracts and comicbook contracts, lawyers are finding new ways of being and creating new models for practicing.

This article is an overview of integrative law and some of those models.

I KIM'S STORY

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. Interactions with my classmates and the legal system had dashed those hopes. I 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 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. That brief introduction opened a new possibility for law and me. I often say that the world went from black and white to color! I wasted no time. By March 1994, I was a member of the North Carolina Bar.

* J. Kim Wright BA., JD, is an American legal consultant & trainer, accomplished author, and one of the founders of the Conscious Contracts movement (see <http://consciouscontracts.com>). See her central website, <http://jkimwright.com/>, for more information.

I opened my own 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. I hired a coach to do my own work and continued to participate in transformational work that had nothing to do with law and everything to do with my own growth, development, and integrity.

As a self-identified holistic lawyer, 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, Spiral Dynamics, and Non-Violent and Powerful 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 knew Forrest and a few people who had begun to practice in what I came to know was Collaborative Practice model. They all lived hundreds, if not thousands, of miles away. In 1999 I went to my first holistic law conference and finally found other lawyers who were on the same path. (Actually most of them were much more adventurous than I had been. I was a little afraid of them.)

The good news was that I was not alone! Knowing the difference Forrest had made for me by introducing me to this new paradigm of law, then observing how my mind was blown by the conference, I wanted to make that difference for others. I began to connect lawyers with their kindred spirits.

Though the web was in its infancy at that point, I wrote a website about about the developments in law and interdisciplinary tools that supported legal practice. I launched it into the world, looking to connect with other lawyers who thought they were alone. The site had over 100,000 visitors that first year. My phone rang off the hook and my email box was full. Not only was I not alone, I was part of something even bigger than I had realized.

I started to coach lawyers, speak at conferences, and plan events. 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. From their silos, they didn't know that they were part of something bigger, sort of an idea-virus that was growing and spreading.

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 a role for myself, a missing link that I could provide to bring about the legal system of my vision.

Early in 2008, I began an adventure of traveling around the world, finding, supporting, and connecting innovative lawyers, while chronicling this fledgling movement. I expected to be gone for a few months. Those months turned into years and, as I write this, I have been living my nomadic lifestyle for more than a decade with no plans to settle in one place again.

II INTRODUCTION TO INTEGRATIVE LAW

There is an ancient legend about six blind men who encounter an elephant for the first time. Each touches a part of the elephant: the man who touches the leg declares that the elephant is like a tree; the man who touches the tail is sure that an elephant is like a rope; the back calls to mind a wall; the tusks are spears; the trunk is a snake; and the ears are fans. The men are adamant about their viewpoints, arguing about their own limited experience of an elephant.

When I am asked to explain Integrative Law, I usually start with that story of the blind men and the elephant. I even carry a stuffed elephant, designed and made by an artist friend. The fabric illustrates the poem: brown wood-grained legs, a brick wall back, braided rope tail, etc. It is a good teaching tool and visual for talking about systems thinking, a complex concept.

From my vantage point of working within several models, I can see that 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 that there are 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. The movement is the integration of all the parts.

A *The Difference Between Innovation and Integrative Law*

So often legal innovation is viewed from a technological lens. I love new technology. I built my first website in 1996, the same year I was the beta-tester

for a new platform called Amicus Attorney and started carrying a mobile phone. Those were my beginnings – I was a digital nomad before it was a thing and I continue to stay ahead of the curve on most tech developments.

But I tend to agree with this statement:

The most exciting breakthroughs of the 21st century will not occur because of technology, but because of an expanded concept of what it means to be human.

--John Naisbitt, *Megatrends*

Once technology takes over the monotonous tasks, what will be left for lawyers to do? And if the most exciting breakthroughs in law are about what it means to be human, what will that be?

I create models and frameworks to help myself understand it. I make presentations to a lot of different groups with different values and expertise, so that comes in handy.

The metaphor I use for this conversation is this one: technology is like a toolbox. The legal system, the rules, regulations, procedures, and the lessons we learn in law school, make up the floor, walls, roof, and framework of the house. Integrative Law is what makes that house a home. Integrative law is concerned about the people, the activities, how it makes you feel: the pillows on the couch, the rug on the floor, and the color on the walls. Is a procedure therapeutic or harmful? How can the law connect people and resolve conflicts?

Home requires a house but a house is not sufficient to make a home.

III NAMING THE MOVEMENT: A SUMMIT

In 2011, a colleague and I made a list of 30 people who were showing up as leaders in different practice areas and locations. We invited them to a meeting without a preconceived agenda or structure, leaders coming together to talk about our work in the world. There were judges, professors, law students, a legislator, and representatives of collaborative law, restorative justice, sharing law, business, intellectual property, securities, and more. Most did not know each other.

Because we were beginning on Sunday and flights into Colorado Springs were limited, we arranged to begin with a flexible exercise that people could join when they arrived. We chose a conversation-café-style 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.

The next morning, we sat in a circle. We talked about what we wanted to do. We recognized that, despite the ways we practiced, we all shared a perspective and values. From the floor came a suggestion that we needed a name to describe the movement that encompassed all our legal approaches. The name “Integrative Law,” was suggested and quickly accepted by consensus.

IV INDIVIDUAL EVOLUTION LEADING TO SYSTEMIC EVOLUTION

In the past ten years, I have spoken with and to thousands of lawyers, law students, and others involved in law and conflict resolution. There are organized groups of Integrative Lawyers on every continent. Just as I saw the seeds of a movement in the United States in 2007, I’ve seen the same evolution among different practice areas, and across disciplines, in every country where I have visited.

What I’ve observed has been 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 so we are always looking back, moving forward in incremental change. It provides stability for society and keeps us from just jumping on fads. The existing system was built on the societal values of the past. New values are emerging and evolving. We’re learning more about what works and inventing new approaches.

When lawyers change how they practice, collectively they have an impact on the system. Law is like the DNA of a society. It is the thread that winds through our lives and communities, providing a structure for our relationships. Law is how we design, maintain, repair, and heal our relationships. It sets the rules of how we live together. Law tells us who we can marry, when that marriage is over, that we should stop at the red light, that there are consequences when we break our agreements. It reflects the values of society and defines our rights and responsibilities to each other.

V

RESPONDING TO THE TRIPARTITE CRISIS: SOMETHING IS WRONG HERE!

The journey to integrative law often begins with a sense of “there is something wrong!” The “wrong” may show up in our personal well-being as high levels of stress or health problems. Statistics (and a lot of personal experience and observations) show that our profession has high levels of

depression, addiction, relationship dysfunction, and suicide, as compared to the general public. The culture of law encourages cutthroat competition, even with those in the same firm. We push ourselves, too. Several law firms with sincere commitments to well-being have told me that their biggest challenge is making lawyers go home at a reasonable time.

Psychologist, author, and law professor Susan Daicoff has described a “tripartite crisis” in the legal profession: low levels of lawyer well-being, low public reputation, and incivility among professionals.

Prof. Daicoff’s psychological research began with the well-being hazards of conventional law practice. Then she came across new models of practice which included collaborative law, therapeutic jurisprudence, restorative justice and similar others.¹ She called this “Comprehensive Law” and her research showed it was a healthier way to practice, that the lawyers did not report the high levels of dysfunction that she found in the adversarial models.

In addition, Professor Larry Krieger’s research² shows that lawyers who practice with a sense of purpose are happier.

Comprehensive law evolved into what we now call the Integrative Law movement. Given the healthier approaches, the meaningful engagement, and values-based approach, integrative law may actually be the answer to the crisis.

And, if that is not enough, some lawyers have told me that they actually make more money. Their clients are surprised and pleased to learn that lawyers can be problem-solvers, peacemakers, and healers of conflicts. They not only sing the praises of their lawyers, they pay their bills.

VI REFLECTING ON SELF, RELATIONSHIPS, THE PROFESSION

Integrative lawyers reflect on their motivations, their purposes, and the human condition. They bring those reflective skills to their work, and the world around them. They reflect as individuals and together, seeking a world that works for all. Integrative Lawyers tend to bring their whole selves (body, mind, soul, and emotions) to work together to create a better legal system. This is a group that likes personal growth and is spiritually curious.

¹ Daicoff identified several models and theories she called “Comprehensive Law” which overlaps Integrative Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=875449

² See, for example, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2398989 and https://www.youtube.com/watch?v=J_vxHBgT7wI&list=PLD2C3B3D61E8D9B5A

Many of us engage in contemplative practices such as meditation. I know litigators who are yogis and bring principles of balance from yoga into their trial practices. There are Buddhists, Hindus, Catholics, Muslims, Jews, Humanists, and Atheists in this movement. We walk different paths with authenticity.

Mindfulness meditation is a hot trend for lawyers. Stress may instigate a lawyer to meditate or practice yoga, as thousands of lawyers have. Most law schools now offer some form of contemplative practice. Law firms, bar associations, and independent groups offer opportunities for group meditation in many communities around the world. Conferences on contemplative practices and law now draw hundreds of attendees.

I think it is great that lawyers flock to mindfulness programs to handle stress. However, I have heard that ninja assassins learned to meditate so they could compartmentalize. They trained their minds to separate their consciences and feelings about killing their victims. I can't confirm the story, but I can see the danger that lawyers might try to do the same. Are you viciously attacking someone in court and disconnecting from the damage to yourself and the others involved?

Reflection quiets the busy lawyer mind enough to begin to reflect on important questions about life. Music, art, or other forms of self-expression may also provide opportunities for reflection. The inner work of therapy or personal transformation work may also be part of the journey.

Of course, not all integrative lawyers meditate, but most integrative lawyers do critically reflect on the legal system. What is the purpose of law? What is my purpose as a lawyer? Is the legal process therapeutic? Does my role as lawyer express my values? Is the process aligned with my clients' values?

The ways that lawyers incorporate their inner work are as varied as the people and their paths feel authentic to them even as they look different from the outside. As an example, Kristin Scheel Downes was a Texas oil and gas lawyer in a stressful job. She took up yoga to relieve stress and soon became a yoga teacher. When she left the law firm a few years later, she opened her own combination of law firm and yoga studio. Later, building on her personal experience, she shifted her practice to advising and representing values-based businesses.

A *Purpose and values*

Taking time to quiet the chaos of the lawyer-mind, often leads a lawyer to inquire into her own purpose and values, to explore the purpose of law, and to ask the questions that lead to living aligned with those values.

In my early law practice, I was working with a coach when I identified myself as a Peacemaker...and then I wondered how in the world could I design a law practice based on that? The question led me to explore not only my own purpose and values, but those of my clients. 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.

Integrative lawyers are inclined to believe that integrity is vital to the well-being of themselves and society. They encourage integrity in their clients' matters. We do have some values in common: listening, compassion, dignity, inclusivity, being relational, happiness, well-being, and love. We're inclined to focus on the future. Our values have influenced what we do and how we practice.

Our values tend to be intrinsic, not extrinsic. Research has shown that the law school ethos tends to sway students toward valuing the prestige of a big law partnership with its corner office. Integrative lawyers seek to align with important intrinsic principles that guide their lives and how they practice law.

Many lawyers have consciously chosen a value as the core operating principle of their law practices.

Estate-planning lawyer Sean Mason of California was doing some personal transformation work when he created his life purpose as Love. He began to tell people that the purpose of his law firm was to *help his clients show their love for those who are most important to them*. He even put his purpose on his website. Concerned about the potential impact of talking openly about love, he kept close financial records. He earned 70% more money the first year and greatly improved his quality of life and the lives of his clients.

Marque Lawyers in Sydney, Australia was founded by lawyers who had reached the peak of successful careers, only to find that they were not happy. They left their traditional firms and created a new law firm with the purpose of happiness. One of the first things that was on their to-do list: doing away with the billable hour. They've been leaders in fixed fee services in Australia. The Happiness purpose has extended to even the design of their offices. There is no corner office. Rather, office spaces are assigned by lottery. They work in an open plan. The centerpiece of their office is a coffee bar and there are informal places to sit scattered around the office. They invite artists to be in residence, because

they find it useful and entertaining to hang out with creative people. They are the only law firm to conduct an entire hiring campaign by Twitter.

VII THINKING SYSTEMICALLY

Integrative Lawyers often have an experience of the interconnectedness of all things. They believe they are part of a system where each person has the power to make a difference. They 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.

We realize that there are many stakeholders in every conflict. We see that collaboration and cooperation are more workable than divisiveness and polarization. Integrative Lawyers default to collaborative approaches to problems, but are not afraid to take stands. 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 to be kind to each other and grant dignity to Life.

Often in systems change work, the quest is to find the pivot points where small change can lead to big shifts. One such example has become emblematic: the story of how wolves changed the rivers in Yellowstone National Park. Reintroducing the wolves catalyzed a cascade of changes that actually altered the course of the river.³ (The four-minute video is well worth your time.)

VIII HARBINGERS OF A NEW CULTURAL CONSCIOUSNESS AND LEADERS IN SOCIAL EVOLUTION.

Integrative Law isn't just legal procedures. It has to do with a fundamental shift in worldview and models that express the shift. Integrative Lawyers are leaders in an integral worldview that 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.

³ This video: <https://vimeo.com/86466357> or the Yellowstone site: <http://www.yellowstonepark.com/wolf-reintroduction-changes-ecosystem/>

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 to be kind to each other and grant dignity to Life.

IX INTEGRATIVE LAW IN ACTION: BECOMING THE CHANGEMAKERS

I am always inspired and amazed at the creativity of lawyers. For most integrative lawyers, it is a natural progression to adopt or invent new models of practicing. As more than one lawyer told me, "I woke up one morning and I couldn't do it the old way; I had to find a new way to practice law that aligned with who I am."

They are the lawyers whose purposes and values didn't fit the old paradigm. Rather than leave, they've created something new based on their own purpose and values. Many are life-long learners who have added tools to their toolboxes: like psychology, design, or organizational development.

Often similar approaches will emerge simultaneously, without contact between the inventors. For example, the trend toward using images in legal documents seems to have independently originated on three continents at about the same time. Using multisensory legal tools for educating clients arose synchronously, too.

X THE MODELS

I've literally written books on the various models of integrative law. For sake of illustration, I am including some descriptions of some of the models that have emerged and taken hold. There are many others.

A *Restorative Justice*

Restorative justice is not a particular program but is an approach to justice. RJ takes a broader view of those affected by crime than the traditional judicial system provides. RJ helps victims, survivors, offenders, and communities to take a pro-active approach to crime and engages all parties involved in the healing

process after a crime has been committed. It can be utilized in crimes of severe violence or non-violent crimes as well as with juvenile offenders.

In most RJ programs, the victims or the victim's family are given an opportunity to fully share the harm caused by the offender. The process facilitates the offender in taking full responsibility for their actions. This may be through a direct or indirect dialogue with the victim, the victim's family and/or the community.

Unlike the traditional judicial system, restorative justice acknowledges that crime affects the persons directly involved as well as the community – in the traditional justice system, crime is treated as an offense against the state i.e. *Joe Smith vs. State of California*. The victim becomes a witness in the government's case, not the owner of the process.

A restorative justice approach has traditionally been used by indigenous communities to maintain a unified community, while holding standards of conduct and addressing harms done to its community members and the community as a whole.

Some common restorative justice programs include:

- Restorative School Discipline & Anti-Bullying programs
- Truth and Reconciliation Commissions
- Peace-making circles
- Community justice programs
- Family-group conferencing
- Sentencing circles
- Restorative Community Service
- Victim-Offender Conferencing
- Victim-Offender Mediation/Dialog

B *Collaborative Practice*

Collaborative Law is a method of practicing law where the parties and the lawyers representing them sign a contract in which they agree to work towards settlement. If the parties are unable to settle and adversarial proceedings are to be filed, the lawyers are required to withdraw. New lawyers must be obtained for trial. In this method, the attorneys must focus on settlement and are free to use their creative problem-solving skills.

Communication is respectful and the process is future-focused. It works best if several lawyers in the community are trained in collaborative law so there are options for the clients and lawyers to work together.

Collaborative Law was created by Stu Webb, a Minnesota family lawyer. Stu was tired of the adversarial system and the damage it was doing, that HE was doing. He was ready to leave the practice of law when he came up with an idea. In 1990, he wrote a letter to the Minnesota Supreme Court, which included this:

...you and I have both experienced, I'm sure, those occasional times, occurring usually by accident, when in the course of attempting to negotiate a family law settlement, we find ourselves in a conference with the opposing counsel, and perhaps the respective clients, where the dynamics were such that in a climate of positive energy, creative alternatives were presented. In that context, everyone contributed to a final settlement that satisfied all concerned---and everyone left the conference feeling high energy, good feelings and satisfaction. More than likely, the possibility for a change in the way the parties related to each other in the future may have greatly increased. As a result, the lawyers may also develop a degree of trust between them that might make future dealings more productive. So my premise has been: why not create this settlement climate deliberately? I propose doing this by creating a context for settling family law matters by, where possible, removing the trial aspects from consideration initially. I would do this by creating a coterie of lawyers who would agree to take cases, on a case-by-case basis, for settlement only.⁴

Collaborative Law is suitable for many types of law and experiments are applying it to many civil contexts: probate, employment, medical error, and business. Still, it most often occurs in the domestic area.

C *Problem-Solving Courts*

Integrative law seeks best outcomes for clients and broader society. It often integrates elements of the old legal system with new ideas and perspectives. The judges who created the first drug courts saw that the old system of putting offenders in jail for drug addiction didn't work. They modified the courts to focus on healing and resolving the underlying problem of addiction. They brought in the expertise of addiction specialists, social workers, and even neuroscientists to get to the underlying issues in addiction. They worked with

⁴ See Stu's full letter at:

http://www.collaborativelaw.us/articles/Webb_ltr_re_Collaborative_Law_1990.pdf

researchers in the Therapeutic Jurisprudence movement to build the evidence of the value of the approach. The new models have saved millions in taxpayer dollars and have returned productive citizens to their families and communities.

Drug courts focus on addiction, but the model has extended to other societal problems. Other problem-solving courts focus on domestic violence, driving while intoxicated, homelessness, child support, veterans with PTSD, and many other recurring issues. They have broad-reaching impact.

To consider the difference in drug treatment court and the punitive courts, imagine that our client, Doris, is a drug addict. She is the single mother of two children. She used to have a job, but her addiction has taken over. In desperation, she steals her neighbor's checkbook and forges checks to get cash to buy drugs. When she is arrested, her children go to foster care. The punitive system is likely to send her to jail. If so, she may never get the children back and chances are she won't get off drugs in jail. When she comes out of jail with a record, no job, no place to go, and no children, she is likely to return to prison, a revolving door.

Instead, Doris is given the opportunity to participate in drug treatment court. She is helped to get into a rehab program. She comes to court often, being recognized for her successes and encouraged to stay clean. Caseworkers help her get a job and find a place to live. With their support, she kicks the drug habit. Her children are eventually returned to her. After 18 months in the program, she attends her graduation. Her family and friends come to celebrate with her... maybe even that neighbor whose checkbook she stole.

Drug courts have been so successful that recidivism rates are dropping and some states have closed prisons for lack of inmates. Drug courts cost less than incarceration. The long-term impact on the children being raised by a functioning mother rather than in foster care is priceless.

D *Sharing Law*

Janelle Orsi is the author of *The Sharing Solution: How to Save Money, Simplify Your Life & Build Community* and *Practicing Law in the Sharing Economy: Helping People Build Cooperatives, Social Enterprise, and Local Sustainable Economies* (ABA) and calls herself a 'sharing lawyer. Sharing law is an area of law Janelle invented right after law school graduation. Sharing Law supports legal approaches to living together in thriving, interactive communities. For example, imagine that your neighborhood wants to start a tool library. Everyone collects their ladders and carpet shampooers, those tools and

equipment that are rarely used, and they consolidate all those items into a common shed. Now, what happens? Who is responsible if the ladder breaks due to poor maintenance? What if a neighbor fails to return an item? The sharing lawyer helps sort out those situations, along with more complex issues.

Janelle Orsi's first book, published by NOLO Press, includes legal advice and forms for those who wish to create neighborhoods where people share cars, live in intentional communities, start tool libraries and create cooperatively owned businesses. Her second book has been an ABA best-seller.

E *Earth Law*

Many lawyers who explore what is most important to them find themselves with concerns for the Earth. They realize that climate change is related to the lack of connection and respect for the Earth. As Scottish barrister Polly Higgins says, "The Earth is in need of a good lawyer." Polly advocates for a law of ecocide as a crime against peace, prohibiting extensive damage, destruction to or loss of human and non-human life.

South African Cormac Cullinan, an international environmental law attorney and consultant and the author of *Wild Law: A Manifesto for Earth Justice*, is an advocate for recognizing the rights of nature. The idea has international support and more than one country has included Nature's Rights in their Constitutions and legislation.

Rights of Nature is the recognition and honoring that Nature has rights. It is the recognition that our ecosystems – including trees, oceans, animals, mountains – have rights just as human beings have rights. Rights of Nature is about balancing what is good for human beings against what is good for other species, what is good for the planet as a world. It is the holistic recognition that all life, all ecosystems on our planet are deeply intertwined.

Rather than treating nature as property under the law, rights of nature acknowledges that nature in all its life forms has the right to exist, persist, maintain and regenerate its vital cycles.⁵

The Whanganui River in New Zealand has become a legal entity with a legal voice. If corporations can be people, why not rivers?

XI REINVENTING CONTRACTS

⁵ <http://therightsofnature.org/what-is-rights-of-nature/>

There is a lot of integrative experimentation in the area of contracts. My first introduction was in Conscious Contracts® which is sometimes generically known as “Values-based contracts.” Values-based contracts integrate values with legal provisions. They are both a document and a process. The contract begins with a process for creating and clarifying why the contract, why these parties, why this time. The document begins with a recitation of that conversation, the actual meeting of the minds: values, shared goals, and a system for addressing change and engaging conflict establish a sustainable relationship. (Or sometimes, the parties discover they’re not on the same page after all and walk away before they’re intertwined.)

Unlike the typical contract that stays in a drawer until it is wielded as a weapon, they’re living, breathing documents that focus on sustainable relationships. They recognize the reality of complex business environments, rapid change, and need for conscious communication – the VUCA⁶ world of business.

Values-based Contracts help provide clarity, safety, and predictability. The parties to the contract actually design a system for engaging conflict that aligns with their values.

Values-based Contracts generally incorporate plain language drafting. They may include visuals such as artwork that will help clarify the text. Many of these contracts look more like marketing documents with colorful headings and relational language.

A *Comicbook Contracts*

Probably the most exciting approach I’ve encountered in the last few years is the trend toward replacing verbiage with images. They take the Plain Language movement to a whole new level, replacing much of the text with images. They take the best of design thinking and look to see what the client really wants and needs. Known as Comic Contracts or Comicbook Contracts, these documents began as tools for clients with low literacy and language differences.

The comic format worked so well that they’re now being used in more mainstream contracts. Aurecon, an international engineering firm with thousands of professional employees has even created a comic version of their

⁶ VUCA is an acronym—first used in 1987—to describe or to reflect on the volatility, uncertainty, complexity and ambiguity of general conditions and situations. From https://en.wikipedia.org/wiki/Volatility,_uncertainty,_complexity_and_ambiguity

employment contract. In the process of creating the on-line comic contract, they realized that they really needed to be clear about their values and the purpose of each and every clause.

I've now seen comic contracts in leases, dispute resolution clauses, employment, and service contracts.

XII ENGAGING CHALLENGES

There is a lot more to the transformation of the legal profession than just adopting another model. While I previously thought the key was peacemaking, I have met litigators who have clearly transformed their lives and practices in ways that felt integrative and evolutionary.

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 four-way meetings without also bringing the mindset.

This movement isn't the magic pill. A new model with a checklist isn't sufficient. The paradigm shift is internal as well as external.

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.