

Transformational Law:
New Approaches Expand Choices in Law Practice[©]

By: J. Kim Wright, J.D.; Dolly M. Garlo, R.N, J.D.; and Marty Price, J.D.
As published in the Washington Bar Bulletin, February, 2004

The adversarial method (having replaced jousting and dueling as dispute resolution) has served for centuries as virtually the only method of dispute resolution Western societies possessed. But as the old saying goes, “if a hammer is your only tool, every problem begins to look like a nail.” Because lawyers are seen only as hammers, they tend to attract individuals with sometimes vengeful motives, while large portions of the rest of society are repelled and want to “keep the lawyers out of it”, thus reducing the reputation of lawyers in the general field of dispute resolution. Mediators, religious officials, neighborhood organizations and many others have rushed to serve a public often yearning in many cases for less adversarial methods of dispute resolution, especially when the parties have an on-going relationship the adversarial system would tend to damage.

Within the last few years there has been an explosion of new approaches to practicing law that offer lawyers alternative tools for dispute resolution. While pre-dispute and dispute avoidance work have long been part of legal practice on the transactional side, these notions have gained firmer footing in the dispute resolution realm as well by being more tech savvy, more aware of the backgrounds of the parties, more spiritually aware and/or more psychologically educated. All of this reflects the diversity of ever-more informed and sophisticated consumers of legal services.

Besides offering very practical benefits to clients, more attention to these new models of practice has also had benefits for the lives and spirits of lawyers, individually and collectively, as is being documented by ABA Journal associate editor Steve Keeva’s research and writing on lawyers. Although Keeva chronicles many different approaches, what they all seem to have in common is rejecting a strict focus on the “legally relevant facts” to the exclusion of the context, and embracing the client’s story and the potential for healing, i.e. restoring the social fabric that has been ripped apart by the dispute. This exciting (and often redemptive) shift for lawyers marks an important arena in which creative thinking and approaches to service can make an important contribution, leading to greatly increased job satisfaction for lawyers.

Susan Daicoff, an associate professor of law at Florida Coastal School of Law in Jacksonville, FL, is one person who has been instrumental in bringing this shift to the attention of the legal profession and legal education. Professor Daicoff, who is also a psychologist, was researching lawyer personality traits and the high levels of lawyer distress when she discovered many lawyers breaking away from adversarial approaches and creating new ways of practicing law. She noticed that these lawyers expressed higher satisfaction and fulfillment with the practice of law, and began to study these new approaches. She began to see similarities and a common foundation that she says is a decided shift in approach. Daicoff refers to the overall shift as Comprehensive Law or Transformational Law, encompassing the notion of law as a healing profession. Others have coined terms like holistic law, therapeutic jurisprudence, preventive law, restorative justice, law and healing, collaborative law, transformative or transformational law, creative problem-solving, and procedural justice.

Daicoff sees all of the Comprehensive Law practices as part of an overall evolution akin to medicine’s recent embrace of parts of alternative medicine. It began with early mediation and alternative dispute resolutions programs that have now been integrated into traditional legal practices. The Comprehensive Law movement has expanded further from there, and now offers even more practice choices. Originally a math major, Daicoff calls the different legal practice

approaches "vectors," a term that indicates both magnitude and direction. More of her views and teaching approaches can be seen on her website at www.fcsl.edu/faculty/daicoff/law.htm.

While each vector, or legal practice approach, is a bit different from the others they all have common characteristics. They represent a move away from what is increasingly being considered the negative aspects of the adversarial process: the other-blaming, entitlement oriented, position-taking, and hostile one-upmanship behaviors in conflict resolution that have become the darlings of the media and sensationalized talk shows. The new approaches add more cooperative, comprehensive, humanistic, healing and even spiritual aspects to the traditional forms of law practice being taught and utilized in the profession. The commonality in the new approaches is that they are focused on optimizing human well-being by expressly seeking to eliminate brutal and contentious adversarial approaches to advocacy and problem-solving, as well as to avoid legal problems altogether. Rather than defining problems only as legal concerns – strict legal rights and obligations demarcated by the boundaries of published statutes and judicial opinions -- these more comprehensive approaches include humanistic values such as overall well-being, relationships, feelings, needs, resources, meaning, values and goals; an idea that is described by the term “rights plus.”

Each vector has initially developed independently with its own name and focus, often in different practice areas. For example, collaborative law has become a popular tool in family law and restorative justice is a tool in criminal law.

By whatever name, each of these approaches offers support for transforming the legal system to serve other important needs besides rights-based litigation of disputes “solved” solely by the transfer of money, and that other tools are sorely needed in order to solve the dispute problem the client has presented to the lawyer. The new techniques include the following:

- Utilizing law as a modality for healing and helping, not only of problem resolution;
- Focusing on the future and reconciling relationships, listening, forgiveness, completing and moving on – rather than simply looking to the past and punishing transgressions;
- Viewing legal issues with inclusion of the existing or possible on-going relational context of the parties, or between the parties and the greater community, for purposes of improving connections rather than isolating or separating people;
- Including preventive models, proactively identifying risks and taking actions that will prevent conflict;
- Creating win/win/win solutions where the parties involved, the underlying community and overarching societal values are all addressed and benefit;
- Fashioning a better world for all that is healthy, diverse, creative, and respectful of human rights and values;
- Including a humanistic approach to law practice that is sensitive to the needs, values, and the highest good of the client and society, and of legal practitioners;
- Consciously constructing a law practice environment where judges, lawyers and legal staff can change and grow as authentic and honest persons;
- Believing that the legal problems occur within a system that is an organic process which can respond to the needs of clients, society and lawyers alike;
- Defining a legal system that is based not only on problem solving, but also supporting everyone to live and work together in peace.

Note that these new visions in law are not intended to replace traditional practice, nor are they appropriate in every instance, but they are appropriate in many instances but most lawyers are unable to apply them.

Over 95% of litigation, often filed simply to preserve legal rights, never makes it to trial and is resolved outside of the courtroom. Settlement, by its very nature, is far more flexible than a courtroom. In a courtroom there might be financial accountability, but there will never be an apology or an extended opportunity to explain: witnesses and parties can only answer the questions the lawyers pose. Thus, the prospect of having more tools for such out of court settlements and resolutions, is a foundational part of these visionary new practice developments.

The unhappiness of most lawyers with the practice has by now been so well documented that it need not be repeated here. The inclusiveness of the comprehensive law movement focuses on solutions to this unhappiness by encouraging lawyers to design their own practices to reflect the lawyer's personality type, unique behavioral styles, values, and goals, while being responsive to what works best for each individual client and situation. An entire field of "coaching" has developed to help lawyers do just that. [see Coaching below]

A recent study concluded that 70% of the WINNERS in litigation were unhappy in the end. One can safely assume close to 100% of the LOSERS in litigation were also unhappy. Given the unhappiness of most lawyers, can we risk moving beyond arbitration and "settlement conference mediation" and try some new approaches? Economics, at least, would suggest that lawyers ignore the unhappiness around them at their own peril. And justice may demand that we hear our clients more fully. And Local Rules may already allow the parties to stipulate to other forms of dispute resolution, which often have model stipulations available on their web pages.

A short summary of some of the models and approaches you can investigate and try, with reference or contact information, is below.

Therapeutic Jurisprudence: (Focus: Law's greater social impact and possible support for the healing needed after conflict is over.) Also called "TJ", this is an interdisciplinary perspective that focuses on the law's impact on the emotional and psychological health of the participants, - the people affected by the law, clients as well as the people working within the legal system. The goal is to bring sensitivity into law practice. TJ focuses on listening to clients with an awareness of psychological and emotional issues including stress, confidence, and trust. TJ also looks at the court system and how it impacts society. It provides a new contextual platform by which to look at the concept of jurisprudence and the underlying purposes of the legal system. For more information, see the International Network on Therapeutic Jurisprudence, David Wexler, Director, at www.therapeuticjurisprudence.org. There is also a Healing in the Law project, sponsored by Fetzer Institute, at www.healingandthelaw.org. Seattle area attorney, Stella Rabaut, has facilitated programs at the Fetzer Institute and frequently leads retreats on law and healing in northwestern Washington.

Collaborative Law: (Focus: maintaining productive ongoing relationships between parties). The founder of Collaborative Law is Stuart Webb of Minneapolis, MN. Collaborative Law was originally a family law model in which the parties agree that their attorneys either withdraw rather than litigate, or that the parties and their attorneys shall devote their energies for a defined period in order to achieve a collaborative solution prior to litigating. They focus on resolution and problem solving without the threat of court filings and process. Thus, unlike other forms of alternative dispute resolution in which a lawsuit is filed first and then referred for mediation or arbitration, mutually satisfactory cooperative resolution is the focus of all parties from the outset. Collaborative Lawyers work with their clients and each other, volunteer information to aid with resolution, and strive for a collegial atmosphere. Originally applied to divorces, collaborative law is being applied anywhere ongoing relationships are involved, even if the ongoing relationship is the

shared custody of children. The International Academy of Collaborative Professionals, can be contacted through their web site, www.collaborativepractice.com

Holistic Justice or Holistic Law: (Focus: Addressing the bigger picture of individual needs and interests in application of the legal process). In holistic law, the focus is on lawyers looking inward to identify and pursue their passions, to become whole themselves so that they may help their clients remember how to use the legal process to do this, too. The basic focus in Holistic Law is looking at the whole picture--the lawyer's role, the client's responsibility, the impact on the community--and seeking an answer to the situation that benefits the greatest good and promotes healing and completion. Holistic lawyers are often trained in other disciplines, from health care professions to counseling to energetic healing, and may use those skills in their legal work as well. The International Alliance of Holistic Lawyers has a web site, www.iahl.org, and hosts annual conferences where holistic lawyers come together to network, share, and provide support for this approach.

Preventive Law: (Focus: Addressing underlying practical concerns – communication, relationships, operating systems -- as well as legal issues to avoid costly repeat problems). Pioneered by Professor Ed Dauer at University of Denver College of Law (“UDCL”), Preventive Law refers to the approach to law where the parties and their attorneys are proactive in limiting their exposure to litigation. This is the term now recognized to describe “minimiz[ing] the risk of legal disputes and maximiz[ing] professional opportunities [, and provid[ing] suggestions for practicing law or business in compliance with the law so that individuals and corporations can best use their resources and capitalize on their profits” says the website for The Preventive Law Reporter, a quarterly publication of UDCL for over fifteen years, dedicated to increasing the awareness and practice of preventive law.

The need of the legal profession to support the growth of this approach has not escaped the notice of law schools. Founded originally at the UDCL in 1986, the National Center for Preventive Law, is now housed at California Western School of Law (“CWSL”). See www.cwsl.edu. CWSL is also home to the Louis M. Brown Program in Preventive Law, see <http://www.preventivelawyer.org/main/default.asp>. The late Louis Brown’s work on preventive law dates back to the 1950’s, based on the premise that “the legal profession can better serve clients by investing resources in consultation and planning rather than relying on litigation as the primary means of addressing legal problems. This theory recognizes that while litigation is sometimes necessary to address past wrongs, the fact that one ends up in an adversarial proceeding may be evidence of a lack of planning or communication. By applying foresight, lawyers may limit the frequency and scope of future legal problems.” For example, in a corporate setting, a legal department focused on Preventive Law would put its attention on training and educating managers to predict and prevent conflicts among employees and with others outside the company.

Creative Problem-Solving: (Focus: Approaching legal problems and disputes with resources and resolutions aimed at creating a wholly new outcome.) Also based at CWSL, this approach encourages lawyers to use the broadest array of creative problem solving techniques to achieve better results for their clients. The law school teaches the kinds of creative thinking processes that are often taught in progressive business schools. It encourages lawyers to be trained in creative thinking and to have many different tools--in addition to litigation--at their disposal. CPS seeks many points of view and examines problems for their relational impacts at all levels: individual, institutional, societal, and international. CPS seeks to develop solution systems based upon what is learned about a problem, rather than what is habitually done. It is a caring approach that seeks

transformative solutions to redefine problems, expand resources and facilitate enhanced relationships between the parties. Legal educational programs that include such notions and techniques set a standard emphasizing the development of broader and more encompassing approaches to legal professional services. Awareness of this development can be used to evaluate legal education or continuing education options for lawyers seeking to expand and enhance their skills in practicing law. See www.cps.cwsl.edu.

Restorative Justice: (Focus: Repairing the harms resulting from crime to all affected parties; allowing victims to move from anger to forgiveness, perpetrators to be involved in making the repair, and communities to re-unite). With over 1,000 programs in North America, over 2,000 in Europe, Australia and New Zealand and initiatives underway in Central and South America, Asia and Africa, RJ has emerged as a social movement for justice reform. Almost every U.S. state is implementing RJ at state, regional and/or local levels and a growing number of states have officially adopted RJ principles and policies, with judges, prosecutors and defense attorneys leading the way. The American Bar Association has issued a formal endorsement and guidelines for application of RJ programs and principles.

Our traditional system of punitive/retributive justice asks three questions: who did it, what laws were broken, and what should be done to punish (or in some cases, treat) the offender? Instead of viewing crime primarily as a violation of law - requiring punishment, RJ emphasizes one fundamental fact: crime harms people, communities and relationships. A restorative justice inquiry poses three very different questions. First, what harm resulted from the crime? Second, what needs to be done to “make it right” or repair the harm? Third, who is responsible for the repair?

Accepting punishment under criminal laws is passive and requires no responsibility or affirmative acts from the offender. An RJ approach holds the offender accountable by facilitating and enforcing reparative agreements, including restitution. RJ recognizes that we must give offenders the opportunity to right their wrongs and redeem themselves, in their own eyes and in the eyes of the community. Victims and the community must have the opportunity to take active roles in the resolution of crime. RJ views our crime problem as a community matter that can never be adequately addressed by delegating the sole responsibility to police, courts and correctional systems. RJ is not any one program, but rather, a different paradigm for understanding and responding to issues of crime and justice that takes many forms such as bringing offenders face to face with the victims of their crimes, with the assistance of a trained mediator or facilitator - often a community volunteer. Victim participation is always voluntary and offender participation is voluntary in most programs, but the success stories are many.

In mediation/dialogue, crime is personalized as offenders learn the human consequences of their actions, and victims have the opportunity to speak their minds and their feelings to the one who most ought to hear them, contributing to the victim’s healing. Victims get answers to haunting questions that only the offender can answer. The most commonly asked questions are “Why did you do this to me? Was this my fault? Could I have prevented this? Were you stalking or watching me?” Victims commonly report a new peace of mind, even when the answers to their questions were worse than they had feared.

Offenders take meaningful responsibility for their actions by mediating a restitution agreement with the victim to restore the victims’ losses in whatever ways possible. Restitution may be monetary or symbolic; it may consist of work for the victim, meaningful community service or other actions that contribute to a sense of justice between the victim, others affected by the crime, and the offender.

VOM/VORP programs have been mediating meaningful justice between crime victims and offenders for about 30 years and are supported by a substantial body of research. Remarkably

consistent statistics from a cross-section of the North American programs show that about two-thirds of the cases referred to programs result in a face-to-face mediation. More than 95 percent of the cases mediated result in a written restitution agreement. More than 90 percent of those restitution agreements are completed within one year. In contrast, the rate of payment of court-ordered restitution is typically only from 20 to 30 percent. Recent research has shown that juvenile offenders who participate in VOM/VORP subsequently commit fewer and less serious offenses than their counterparts in the traditional juvenile justice system.

Most VOM/VORP programs limit their work to property offenses or offenses of lesser violence, committed by juveniles. The fast-growing trend is to expand the application to adult offenders and crimes of severe violence, including homicides. In juvenile offenses and in mind crimes committed by adults, RJ processes may be substituted for, or supplementary to court action. In crimes of severe violence, RJ has seldom been a substitute for prosecution; RJ processes have been used to create more meaningful sentencing for offenders and their victims.

VOM/VORP is not appropriate for every crime, every victim or every offender. Individual, preliminary meetings between mediator and victim, mediator and offender are essential for careful screening and assessment according to established criteria. Even if not appropriate for mediation/dialogue, the resolution of most crimes can benefit from some application of RJ principles.

For more information about restorative justice, see Victim-Offender Reconciliation Program (VORP) Information and Resource Center <http://www.vorp.com>; Victim Offender Mediation Association <http://www.voma.org>; International Centre for Justice and Reconciliation <http://www.restorativejustice.org>; Center for Restorative Justice and Peace-Making <http://sww.che.umn.edu/rjp> or these print resources: *Restoring Justice*, Daniel Van Ness and Karen Strong (Anderson Publishing Co., 1997); *Restorative Justice: A Vision for Healing and Change*, Susan Sharpe (Edmonton Victim Offender Mediation Society, 1998); *Transcending: Reflections of Crime Victims*, Howard Zehr (Herald Press, 2001).

New Approaches to Mediation: (Focus: Expanding the facilitation of parties fashioning their own dispute resolution to include their own personal learning and development). For great general information and more links about Mediation, go to www.mediate.com, a central resource center that provides information, referrals, and articles about mediation. See also www.mediationinlaw.org. As mediation has become more accepted and institutionalized, new approaches have arisen, many tailored to the organization or system in which they are employed. While the success of a typical mediation process is measured by whether settlement is reached, transformative mediation often has broader goals. At least three distinct approaches to transformative mediation are in wide use, all of which contrast themselves at least somewhat with mediation when used simply in place of a settlement conference.

The first approach to Transformative Mediation is based upon a book by Robert A. Baruch Bush and Joseph P. Folger called *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition* (Jossey-Bass, 1994). This form of Transformative Mediation is a process whereby the parties in conflict can change the quality of their conflict interaction. The focus is not only on resolution, but provides conscious emphasis on transforming the interaction from negative and destructive to positive and constructive. Practitioners use the complementary models of empowerment (facilitating and supporting the considered, deliberate decision-making of the parties) and recognition (highlighting opportunities for voluntary interpersonal perspective-taking and understanding.) In this model, the focus is on revealing and understanding the underlying dynamics of the conflict, to both resolve the presenting issue and prevent future similar ones. For more information, see also the web site for the Institute for the Study of Conflict Transformation at

Hofstra School of Law, at www.hofstra.edu/Law/isct -- another educational option for anyone embracing visionary law concepts particularly within professional practices focused on litigation or handling and resolving any other types of conflicts.

Gary Friedman and Jack Himmelstein, co-founders and co-directors of The Center for Mediation in Law, detailed at www.mediationinlaw.org, teach another Transformative Mediation model dedicated to integrating mediative principles into the practice of law and the resolution of legal disputes, with a focus on empowering the people involved. Their model is described as the "Understanding Model." In it, the goal is to reach deeper levels of values and meaning, and to attain the means to more lasting and healing resolutions generally not even addressed in adversarial proceedings. Such approaches often have the power to heal even profound social wounds. Successes have been reported by some even in death penalty cases, where family members of the victim meet the death row inmate.

Attorney Barbara Ashley Phillips, author of *The Mediation Field Guide* (Jossey-Bass, 2001), has still another distinctive approach that focuses on the "inner aspects" of conflict resolution. She is Director of the North American Institute for Conflict Resolution, and its web site, www.crtraining.org is also a resource for materials on forgiveness.

Problem-Solving Courts: (Focus: to expand legal remedies with practical real-life focused, future-development oriented solutions). Problem-Solving courts include drug treatment courts, domestic violence courts, homeless courts, drunk-driving courts, mental illness courts, etc. They address societal issues that are larger than any individual case. For example, the Drug Treatment Court is designed to interrupt the cycle of substance abuse. Using this process, defendants identified as addicted enter a structured recovery program with built-in incentives for their success. There are now over a thousand drug treatment courts in the US. For more information, see the website of the Center for Court Innovation at <http://www.problem-solvingcourts.org/>

Community Lawyering or Community-Oriented Lawyering (Focus: including the source of problems for corrective action planning involving members of affected communities, rather than just punitive measures, particularly in government regulated circumstances). Community Lawyering is a movement where the lawyers, especially those in government, public interest, and similar settings, work together to address the underlying problems that result in clients being in court, as well as to promote the welfare of the community and each in relationship to one another. Community lawyering includes:

- 1) using the law pro-actively to assist in problem solving for the community on crime reduction, quality of life issues, and economic development;
- 2) making 'the system' work to meet community needs; and
- 3) using the law as a positive energy to assist in community building and affirmation.¹

Community Lawyers take on projects that get to the source of cases that recur in the court system. Housing issues are an example of one issue addressed by community lawyers. Instead of litigating one tenant issue after another, a Community Lawyer might work to create standards for rental units, for example. For an example of a community lawyering project, see the website at <http://www.communitylaw.org/communitylawyering.htm> . This model is a way of practicing law by attorneys who take a direct working interest in the peace and safety of particular places, and

¹ <http://www.communitylaw.org/communitylawyering.htm>

work to generate outcomes the community values in addition to winning cases. Community oriented lawyers work in a wide variety of settings, such as prosecutors, police departments, municipal attorneys, non-profits, private firms, criminal defenders, judges and law school clinics.

Peace-making: (Focus: healing conflict in a broader sense that enhances the overall well-being of all involved - clients, attorneys, local to multi-national communities, human consciousness as a whole). The focus in this approach is on the peaceful resolution of disputes, and many lawyers consider themselves to be peace-makers, sometimes even in the murder-prevention business with very emotional clients. Lawyers can express their value as peacemakers in many ways. Some have actually created organizations dealing with international conflict, like Ambassador John McDonald, a lawyer, diplomat, former international civil servant, development expert and peacebuilder, concerned about world social, economic and ethnic problems, who spent twenty years of his career in Western Europe and the Middle East and worked for sixteen years on United Nations economic and social affairs. His current work is as Chairman and co-founder of the Institute for Multi-Track Diplomacy, which can be reviewed at www.imtd.org.

Others seek to heal and bring peace at a more personal, energetic level like Jill Dahlquist and Johanna Halgren (an attorney and psychotherapist, respectively) facilitators of The Group Peace Process. The GPP utilizes various energy healing techniques to create a group energy in which conflicts can be transcended. Conflicted relationships between spouses, parents/children, business associates, attorneys, litigating parties etc. can be transformed so that the highest and best interests of all the parties in the group can be manifested. The legacy of past conflicts can be healed and people can gain a greater sense of inner peace that can then be reflected into the outside world. Their work is described at www.groupeace.com.

Sharif M. Abdullah, J.D. has written and spoken on campaigns for expanding the consciousness for peace, as the founder and director of www.commonway.org . His most recent project involves helping to bring peace to Sri Lanka, ending a long-term war.

Some lawyer-mediators consider themselves to be peacemakers. And more than a few mainstream litigation lawyers, traditionally perceived as "hired guns," if asked would no doubt admit that they act as peacemakers in their work.

Contemplative Practice: (Focus: enhancing the inclusion of spiritual and other values and meaning in approaches to the practice of law). Lawyers often seek relief from personal stress through meditation and then discover that meditation leads to further growth. The Center for Contemplative Mind in Society, has a program focused on law, see <http://contemplativemind.org/programs/law/>. Through Contemplative Law retreats, they have addressed questions and ideas from both a contemplative and legal perspective, including the nature of winning and losing, the role of compassion in adversarial situations, truth and "right speech," Socratic and contemplative methods of inquiry, action and non-action, separation and connection, and listening. Many lawyers are integrating their spiritual and religious practices into their legal life. Pioneered by Steven Keeva's book, *Transforming Practices, Finding Joy and Satisfaction in the Legal Life* (Contemporary Books, 1999), this approach to law allows for the inclusion of the lawyer's spiritual values, as well as those of the client. Keeva's book looks at several different approaches based upon values and life purpose viewing the practice of law as a "ministry" focused on healing, service, mindfulness, contemplation, and listening. See Keeva's site at www.transformingpractices.com.

The Project on Integrating Spirituality, Law and Politics: (Focus: expanding transformational law principles into the political arena). The Project is a group of lawyers and legal educators committed to (1) the integration of spirituality and politics and (2) the incorporation of a spiritual-

political understanding into American legal culture. The national conference on the Politics of Meaning, held in Washington, D.C., in 1996, drew some 1,800 people committed to a new spiritual-political vision of social transformation. Growing out of that conference, the law task force has met by a monthly conference call since that time, has held annual retreats, and has made presentations and organized several events around the country. Members of the task force have written and spoken widely on the need for legal culture to transform itself to address the social alienation -- those distortions in human relationship resulting from living in an isolated, individualistic, and materialistic culture blind to the communal longings of the human soul -- that is at the heart of much social conflict. The Project is hosted by New College of California, where its leader, Peter Gabel, teaches in its public interest law school as well as its program on culture, ecology, and sustainable community. Gabel was a founder of the Critical Legal Studies movement, is co-editor of Tikkun magazine, and the author of many articles and essays, some of which are collected in his book, *The Bank Teller and Other Essays on the Politics of Meaning* (Acada Books, 2000). The mission of the task force can be summarized in a single sentence: We seek to transform legal culture, within the United States and internationally, so that law can become a vehicle for creating a loving and caring world. See www.spiritlawpolitics.org

Legal Counseling: (Focus: enhancing the role of lawyer as confidant, educator, co-planner, advisor and counselor from a more inclusive perspective than just legal issues). This is a relatively new approach being developed by several lawyers around the country. They believe that many clients are not even clear enough about their goals to choose their lawyer or to make decisions through the process. Lawyer/counselors help clients identify their plans of action so they may choose the appropriate lawyer and then pursue the appropriate course of action in their legal dispute.

Coaching: (Focus: assisting lawyer to utilize their best skills, talents and interests, and helping them work with clients to expand client choices in approaching legal issues). Many lawyers have found practice support by hiring a coach; other lawyers find they are suited to the role of being a coach. At times, lawyers hire coaches to work with their clients. A professional coach in this context is a trained professional who assists clients in creating their futures and designing plans to achieve those futures. A coach is a personal partner who works with clients and helps them make their own decisions and take actions consistent with their commitments. This coaching perspective may enhance the delivery or pursuit of legal services for some clients. Coaching skills include deep, committed listening, intuition, and inquiry. Some lawyers who apply coaching skills with their clients may also take on unbundling services, assisting pro se litigants, and coaching divorce clients. Some lawyers are also discovering that they enjoy coaching other lawyers to find greater fulfillment in their lives and the practice of law. There are now many coaching schools and training programs. See a list of coach training programs accredited by the International Coach Federation at www.coachfederation.org/training/programs.htm. Coach U, Inc., one of the first coach training programs in the world (see www.CoachInc.com), sponsors a special interest group (“SIG”) of coaches who work with lawyers, which is held by telephone conference; and interested lawyers are encouraged to attend. Another web resource for information about lawyers and coaching is www.renaissancelawyer.com.

About the Authors:

J. Kim Wright J.D. is the managing attorney of the Healers of Conflicts Law and Conflict Resolution Center in Asheville, North Carolina where she offers legal services in interdisciplinary collaborative divorce. As co-director of the Victim-Offender Reconciliation Program Information and Resource Center, (www.vorp.com) she facilitates dialogue between victims and offenders in crimes of severe violence and provides restorative justice training and consulting for communities around the world.. She is a career coach for lawyers, specializing in helping lawyers create their niche inside the new paradigm in the legal profession., She is also the publisher and managing editor of a new internet magazine for lawyers called The Cutting Edge Law Magazine, www.cuttingedgelaw.com. She is also a nationally active speaker, conference planner, media consultant, and workshop leader (www.jkimwright.com) who serves on the leadership bodies of several holistic law organizations..

Dolly M. Garlo, R.N., J.D., P.C.C., is a founding member of the RLS Board of Directors. Licensed to practice law in Utah and Texas, she founded her own law firm in Austin, Texas, www.GarloWard.com, a general civil practice with a focus on legal services for health care professionals and facilities involved in governmental regulatory disputes, with an emphasis on preventive law and client legal education. She also built and currently operates a business development and personal effectiveness coaching, consulting and training company called Thrive!! Inc., www.AllThrive.com, and works with professionals, business owners and others in optimizing the business of their work and lives, develop business succession and personal legacy plans, build collaborative operations and expand return on investment. Contact her by email: DMGarlo@AllThrive.com.

Marty Price, J.D. has over 25 years of mediation experience. He is the founder of the VORP Information and Resource Center, www.vorp.com. He offers trainings in restorative justice and has been internationally recognized for his work in victim-offender mediation in crimes of severe violence. Presently, Marty Price is also mediator and counselor for Healers of Conflicts Law & Conflict Resolution Center in Asheville, NC, www.healersofconflicts.com. He can be reached at martyprice@vorp.com.

Copyright 2003 by Dolly M. Garlo and J. Kim Wright.