

Henry Brown Lecture: holistic practice, connecting the mind & heart DR Conference 2016, Resolution Family Lawyers

Let me begin by saying thanks to all you who've traveled, from far and wide, to attend this conference today and discuss about the theme: ***What do clients want?***

I think that you have made an excellent choice by focusing on the client wishes. In the Netherlands we are all looking at upcoming Intelligent Legal Search systems like Rocket Lawyer and Legal Zoom who are able to replace a great deal of our work, because they can search and deliver legal intelligence much quicker and with more precision. Our job is changing fast and in my law firm we are very aware of that.

Our work was once handcrafted while a great part of it today can be taken over by standard forms and acts that we can post on our website. In contrast to the lawyers, from a clients point of view, this shift towards routinization is a good thing, because it saves them money and time.

If we zoom in to familylaw the question is : What do clients want?

I think that clients want to be guided by holistic lawyers and mediators. Professionals who look at the whole conflict. Not only the legal path.

Today I would like to talk about you, imagining yourself as tomorrow's lawyers, working in a different climate where clients want you to be their trusted advisor. The legal intelligence is provided on the internet. The client needs guidance. Lawyers guide people with conflicts and support society's needs of the law. **Lawyers with a broader vision can be healers and peace makers.** Like Robin Hood did in his field, lawyers need to add compassion and love to their law practice. That's why I am gonna talk with you about the holistic approach.

Message:

The future of legal service in family law will be based on holistic law. As never before there is an opportunity for you to be involved in shaping the next generation of legal services.

Tomorrow's legal services will increasingly draw on other fields. That's why I ask you to be open and connect with your heart and soul if you practice law. You can be a healer too. This is what clients want.

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Before I shall take you on the journey of Holistic Law let me release you of some worries:

there will be hand outs available if you sent an email to Denise Sullivan, so please sit back, you do not have to take notes.

There will be time for questions and answers at the end of my lecture.

This lecture will be interactive, but for discussions I would like to invite you afterwards to come to me, because of the time.

If anybody needs to keep his cellphone open because of a burning case coming up, please do. To others I would suggest, put it far away on flight mode, under your chair, because you do not need it.

Program:

In the next 20 minutes I shall take you back to the beginning of holistic law in the United States, I shall tell you a little bit more about it's meaning and purpose, the integrative law movement of Kim Wright and my own experiences with holistic law.

Then I shall share my thoughts with you about the changing legal system, the need for a holistic approach and the way how to incorporate this in your practice.

Finally we share a moment of mindfulness & meditation.

There will be a moment for questions and answers at the end of the lecture.

Introduction:

Some people say that we are in the middle of a legal revolution. We know that there is a fundamental shift in our legal system going on. Internet is providing knowledge in a very easy and fast way. The new legal paradigm shift requires that the legal profession is changing.

According to **professor Susan Daicoff**, who works at the University of Florida, we are coping with a tripartite Crises:

- our profession is changing
- there is a low public opinion of lawyers and the legal system
- among lawyers there is a lot of distress, we have 2 to 4 times more depression, 2 times more alcoholism, high rates of burn-out and suicides and 20% more distress (8 times more) than other professionals.
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If you know this then we can imagine that there is a need for an integrative reflective approach with self reflection, reflecting in community (inter-vision meetings) and reflection on how to practice.

The holistic approach is therefore the new step in our way of practicing law. Clients want more from us than knowledge and battlefields. They scream for another path, they want us to bring back balance in their lives.

What does it mean: holistic Law?

The holistic approach to practicing law is a way where in the focus is not only on the current legal path, the legal conflict or the legal system aimed at what judges and legal professionals consider to be correct for this legal dilemma. It's also being focused on the soul's path which you feel from the heart.

Holistic law is a form of professional practice where no fixed route is prescribed. Its about lawyers with compassion. Anyone can contribute.

We all have our so-called *soul task* which implies that on the one hand you ask for help and on the other you are able to provide the requested help. We all do this in a certain balanced way based on the path that you have chosen to walk.

Clients want to be heard, to connect and feel that what we do is right. I call this the brain-heart connection.

Being connected with your client is a new skill that you as a professional need to develop. Not only with your head, but even more with your heart and spirit.

A wheel with many spokes

Looking back to the early 90-ies a number of seemingly unrelated developments, or "vectors"¹, have appeared. They were all focused on reaching positive results for clients that would optimize their goals, satisfaction, emotional and relational health, besides the legal problems of which they were coping with. As these vectors became known they began to form a movement that in the United States has been called the Comprehensive Law Movement. Other names for the same movement are transformative law, integrative law and law as a healing profession. They all go under the umbrella of Holistic Law.

So Holistic Law is like a wheel with many spokes:

Besides collaborative practice, alternative dispute resolution, mediation you might have heard of restorative justice, spiral dynamics or therapeutic jurisprudence? Maybe you add forms of reflection and mindfulness to your practice, inter-vision or supervision? I can imagine that a lot of you are doing some form of integrative law already in their practice. We all try to add an extra path for our clients beside the legal path, to solve the conflicts for where they seek help.

The beginning of Holistic Practice

¹ Lawyer, know thyself from Susan Daicoff

In fact **Bill van Zyverden** founded the International Alliance of Holistic Lawyers in the United States. He is a lawyer from Vermont, who claimed to be the first holistic lawyer. His movement was picked up by Kim Wright, with her Cutting Edge Law Movement.

Bill and his hippie bohemian lawyer friends saw holistic law as an intellectual challenge, limited to only a handful of selected people. Bill said: *The word holistic comes both from the word "holy" and the word "whole". So it implies both a Divine perspective and a perspective of seeing all sides. Together it means seeing all as one.*

He achieved his mission in 2011. He did not want to make it a general, broader movement. **Kim Wright** took over with her Cutting Edge Law Organization. She wanted to tell other lawyers and mediators about her thoughts about the integrative law movement. According to Kim, the purpose was to connect all people, everybody where ever around the world, to join this new way of holistic lawyering. Holistic law needed a larger scale. The entire law practice would benefit from it, according to Kim.

Kim travelled around the world for 8 years looking for pioneers engaged in a form of holistic law in their own field of expertise. She called these lawyers PEACEMAKERS. Working together and connection is the new central theme in this way of practicing law.

In 2015 I ran into Kim Wright. I sent her an email and got a mail from Kim back, telling me that she encouraged me to go on with my work. Many pioneers have said, just like me, to Kim: *" I thought that I was alone in doing my thing, but than I ran into your article, website... and I..."*. After this email I have met Kim three times and we have spoken several times by mail and skype. She is really a figure head for the Integrative Law Movement, a movement supporting the holistic approach.

In an interview at HIIL, a Dutch organization, Kim Wright spoke about her vision. I would like to take a short moment of your time, about 5 minutes, to listen to Kim Wright.

https://www.youtube.com/watch?v=zLyw1u_nSL8

There will always be pioneers in the field, who think that they are the only one in doing their own specific way of lawyering. For me it felt like a great relief when I met Kim Wright. She knew that there are so many lawyers and mediators who are working like me, who connect the heart, the body and the soul in their approach in family matters, who collaborate with other lawyers and practitioners in the field, but mostly they do not know each other.

Let me tell you something about "Change"

How does it work: change?

Debbie Frieze, from the Berkana Institute, created the Two Loops Model, to explain the theory of change.

In a formula it goes like this:

You are in a system, lets say our legal system and in the beginning this system worked very well. So when you talk about the system, you must ask yourself the question: *where are we in this system-what time is it? Are we already collapsing? Are we still growing?*

Around the Peak, you will see that alternatives start to appear around the current dominant system. There are pioneers with new ideas. They all work alone and they do not form a threat for the current system.

Then at some time these pioneers start to get NAMES. People write about them, they get publicity, start-ups try to work according the new approaches, other people take over their ideas and because of this attention, they start to connect and become visible. They are NOURISHED and they get ILLUMINATED.

The more they work together, the stronger they get.

The current system denies this and feel that these new created thoughts of the pioneers form a threat. They feel attacked by the pioneers and start to fight these new pioneers. They ignore the need for new approaches and state that the current system is working perfectly, there is absolutely no need to change. The new ideas are not proven yet, there is no need for, it is not working well, why do you need this anyway etc. People do not like to change while changing our most constant fact of life is!

Let me tell you how I came to be here.

I am a family lawyer since 1996 and a mediator since 2000. I teach lawyering skills for the BAR, mediation and InterVision. I founded the first Divorce Café in 2011 and from 2014 I started to be more open about my holistic approach. In my personal life I am mother of 3, I try to be sportive and in 2010 and 2011 I have been educated at the Arthur Findley College in Stansted about spiritual healing and mediumship.

In my career as a lawyer I practiced NLP, Hellinger (family constellation slope) and changes within family systems. I gathered at work and in my personal life a lot of tools and instruments that helped me to connect and understand the underneath streams of emotions that most people carry with them when they come to you and seek for your help.

I learned that you can never solve a legal problem or any conflict about assets, if you do not **start** with talking about the emotional streams under the water. This we did not learn at law school. I had to go to psychology to get trained in this type of skills. First emotions, then the money and assets. Most of you know this probably but do you really do this.

Do you take the time in the first session to ask your clients about their family of birth, about the motive of the marriage and the start of the breaches during the marriage, that has lead to the divorce-announcement?

In the Netherlands I speak to children. In my approach I try to cover the whole story, from the beginning until the end. I reflect on body language. Where do you sit at the table? How do the partners sit, next or opposite to each other? What words do they use. Do they say I think or I feel, or I have heard that..

So long as we're willing to listen to each other, we can assume the best in people instead of the worst. And that is where the holistic practice begins.

My aim is to provide assistance to the clients and the professionals by a holistic approach within our law practice and to combine with the mainstream judicial system. This means that I will not disregard the one in favor of the other and that I will pursue to combine these two worlds.

RED DOOR

If you feel that you are more like a commando soldier who wants to go to court and battle, I assure you that there will always be people who need you to do so. The legal system needs courts and legal boundaries. I am certainly not against litigation if there is no other way.

GREEN DOOR

But, if you might see another path that will lead you through, let's say, the green door of sharing and reconnecting, rebuilding, I would suggest that you choose that path first. Most of the conflicts can be solved by talking and re-understanding each other. People

have different views. They need professionals like you who guide them through the green door. Professionals who make people aware of the impact of the conflict and the world of the persons concerned.

Debbie Ford

During one of my visits in the United States I learned about spiritual divorce², about another way of looking and about integrating this approach in your law practice. I was already doing this but did I admit as much? I did not present myself as working on the basis of a holistic approach because I was afraid that this would have a deterrent effect on potential clients. Why?

Since then I have changed course. I thought: GET ALIGNED WITH YOUR OWN VALUES
PETRA!

I felt on my own too when I said to my partners in my law firm in 2012 that we had to change our firm. We had to prepare for the new way of working. They waved it away. So I had to seduce them with gadgets, with removable tables and double screens on computers to step in. I took them to company's who already had implemented the new way of working. Not law firms because they had not changed yet, but IT and insurance company's like Microsoft and banks. I made it visional for them. I gave them a picture in their mindset.

At the end of 2013 our firm was totally changed, and ready for the new way of working. Digital files, open spaces, little rooms with one or two desks for conference calls, a silent garden with olive trees to work quietly without phones and chatting colleagues. No ownership anymore of bureau's, paperless offices. It was quit a journey to get there!

I felt alone again when I decided in 2014 that I wanted to let the world know that I am a holistic lawyer with an holistic approach of lawyering. I felt an urge to be aligned with my own values. Work like I live.

My firm said: *do we have to do this too? Isn't this all baked woolly air!* So I build my own website, made a presentation for them and created 2 workshops: one about the new way of working and one about the holistic approach. They got enthusiastic because they understand that the world is changing and we are standing in the middle of it.

There will be senior lawyers and judges who shall say that there is no need for a change like that. They will resist change and hang on to their traditional ways of working, even if

² Debby Ford Institute

they are well past their sell-by date. They probably have never learned in law school how to open their heart for clients. They might feel flaky if they would do so.

There will always be resistance and criticism, because a lot of people do not feel comfortable with change.

Changing Legal System

The emerging Integrative Law Movement can be described in different stages.

- 1 First there were professionals who thought that the old legal system was not working good anymore, they started to think that there had to be a better way.
- 2 Then the professionals reflected on their own approach. They tried to combine their vision in life with their way of lawyering. They started to add other type of questions in their approach: questions beside the legal path. Questions about the relations, the breaches and the way of communication between partners.
- 3 At this stage professionals started to ask new critical questions to themselves. Who am I? What is important to me? Am I aligned? What do I add in the legal process? What makes me feel energetic and what is burning my energy down?

So holistic law is also about the question. What do I wish to promote as a professional?

Maybe you can take a minute or 2 to think about these questions.

The point is that you align your values at home with yours at work. That you permit yourself to go a small step further or deeper compared to the mainstream legal practice. Your soul will guide you.

Let us take a moment of reflection and take a minute or 2 in silence to think this over.

TAKE 2-3 MINUTES SILENCE TO THINK IT OVER

Take a pen and write down for yourself what you think that your values are, in life and as a professional. Make a short-list of 3.

Keep your values in mind, write them down, we shall need them later on.

Holistic law cannot be pigeonholed. It is an umbrella approach to the various aspects of the problem.

Why do you want to practice Holistic Law?

- 1 If you practice holistic law you can be a peace-maker. You will be more balanced yourself too.
- 2 If you add compassion and love to your law practice and you are willing to expose this on your website, people will find you. You will attract those who are searching for more sustainable solutions.
- 3 If you practice holistic law you will be more aligned with your own values during your work which makes you stronger and more energetic. You will find inspiration in building and connecting people in stead of fighting and destroying them.

Holistic Law is not a way to tell people what they have to do. You try together with the clients to find possibilities which suit their conflict in order to offer them the proper channels for the best possible solution of the conflict.

You can achieve this through mediation, 4 or 5 way meetings, collaborative practice, engaging external experts to join the meeting, and look with a broader vision than the legal path.

But be open, do not be afraid of the silence.

Try to come under the first layer, make it safe for them.

Tell them about you.

What is the impact of a legal proceeding to a client?

In therapeutic jurisprudence we focus on the emotional consequences of the law and legal procedures on the clients, including their families, friends, judges and lawyers. It has as a goal to reform law and legal processes in order to promote the feeling of well-being of the people they affect. It regards the law itself as a social force that can produce emotional consequences. TJ tries to illuminate this.³

Holistic Justice is a movement in which practicing lawyers and mediators acknowledge the need for a humane legal process, with the highest level of satisfaction for all participants.

³ International Network on Therapeutic Jurisprudence, David B. Wexler, director watch <http://www.youtube.com/watch?v=vBV8Ox98ERO> for a short introduction on TJ

Have honor and respect the dignity and integrity of each individual who participates the process, also on the other side!

Holistic legal principles like:

Value responsibility

Connection

Encourage compassion

Forgiveness and healing

Practice deep listening

Another form of holistic law is **restorative justice** (more in criminal law) with the focus at the victim and restoring the damage in stead of focus on the one who is guilty with punishment.

On the other hand, the role of the professional is examined in more detail as well. Reflection and self-awareness play an important role in the process.

Actually we are in the middle of a transformation process in where the paradigm shifts from adversarial (dualism) to a paradigm of consciousness, relationships and connecting with each other.

Darwin taught us about the survival of the fittest. Not the strongest, nor the most intelligent species survived, no, it is the one that is the most capable of change!

The skills of being a good lawyer are based now on IQ, EQ and Spiritual quote.

With the arrival of Google and the iPhone, knowledge has become a commodity. People can find everything on the web. At the same time there is an urge for more compassion and empathy within our legal system. The Romans did not give emotions or physic elements an important part to play in their legal system. They only provided the concepts of wright and wrong. Our system is still based on this concept.

But our profession is changing drastically. On the one hand the lawyer is increasingly burdened with data and under pressure to switch at short notice, while on the other hand

the lawyer's knowledge is no longer a unique selling point, where as this was used to be the case in the past.

Looking at the need of a client through personal attention, broader then only the legal questions, appears to be a success formula, both for the client and the professional.

So the benefit of holistic practice is:

- A. that holistic practice produces a positive and strong effect on both sides: the professional carries out his work in a manner which feels good for him, while the client receives the personal attention in addition to the legal advice.
- B. there is more attention for the well-being of the professional. With the pressure of time and data, he needs the silence too. Being mindful. Keeping the balance in work and life.
- C. in addition, the lawyers understand that a sedentary profession is not good for their health, so they start to work flexible. People can work at home or elsewhere, at a clients place or what so ever. The holistic approach is part of this. We believe that you have the best ideas walking at the beach, so why staying behind your desk?

So where are you in the emerging Integrative Law Movement?

Reflection 2: Is there a difference between your personal life and your professional life? How do you make your decisions?

How do you provide balance and well-being to your clients and yourself?

If there is consciousness about these issues you can start asking yourself what you want for yourself. What kind of a professional do you want to be, what kind of a professional are you today and who where you in the past?

You decide!

Why exploring holistic Law?

Because you professionals are peacemakers and not shot-guns;

Because you need to shift your perspective, increase your skills, make a different use of your toolbox and create a broader vision, clients want this from you;

And because you want to reconnect with your deepest values and intentions: work like you live.

Implement Holistic Lawyering at work

I think that if lawyers are working with clients whose values align with them, they are stronger, have more energy and are more effective and happier. Clients notice this.

Make a choice and make your own mark. People will not find you weird or flaky if you practice holistic law. I know that you are with many others and that clients need people who practice from the heart, soul and mind.

In a **practical way** you can try to redesign your law practice in a more holistic workplace.

- the physical space: like having a round table, water on the table, involve personality
- -make your team aligned, create more synergy in the whole system
- trust on your choice that you can solve any problem at the table as long as you give your clients a safe place and good intentions. If you do not believe in it, do not go there. But allow yourself to take little steps.

Why Mindfulness in Law?

At Berkely School of Law there was an initiative take for mindfulness in law under the direction of Charles Halpern⁴. Mindfulness meditation is a simple practice of paying attention to our moment-by-moment experience. The benefits of meditation have been understood for centuries, recent studies in neuroscience and psychology confirm that regular practice increases the ability to concentrate.⁵ It's also good for us.

Meditation reduces stress and increases our immune response. According to recent research it also gives us a longer life.

And Meditation increases positive emotions.

At Berkely people believe that over time, practicing mindfulness can lead to a healthier, more just and compassionate legal system. As more lawyers embrace mindfulness, they expect to see legal processes and institutions become less adversarial, to cause less suffering, and to produce more compassionate and effective laws and policies.

⁴ <http://www.law.berkeley.edu/mindfulness.htm>

⁵ <https://www.berkeley.edu/berkeley-initiative-for-mindfulness-in-law/why-mindfulness-in-law/>

At the university of Miami, Florida and Missouri you find mindfulness in courses on emotional intelligence for lawyers⁶. In Florida professor Leonard Riskin took the initiative on Mindfulness in Law and Dispute Resolution.⁷ In Amsterdam there is an initiative started among judges and lawyers to practice mindfulness together.

Before we do the Q & A I would like you to invite to practice a little

Exercise 3

Traffic light mindfulness

Use it at stoplights or when you find yourself gripping the sides of you desk. Simple as it seems, a single deep breath can create miracles. Lets do it. It takes 3-4 minutes.

Imagine you in your car waiting for a stoplight. In stead of screaming that you are late, you embrace the moment and be grateful for stopping. You can practice your mindfulness exercise!!

Pay attention to your in-breath and out-breath, let go of the steering wheel and allow yourself to relax for a moment. If you get 3 or 4 full breaths, you will feel relaxed and refreshed.

SHORT version

LONG version

IN..... OUT.....

In: I know I am Breathing in,
Out: I know that I am Breathing out

CALM., SMILE...

Breathing in, I calm my body & mind
Breathing out, I S M I L E

Wayne Dyer - Maui retreat

I went to Maui for a retreat weekend wit dr Wayne Dyer, who passed away last year. He learned me a form of meditation in where you start thinking of the 5 words: I AM THAT I AM - this is the mantra

⁶ <http://www.jurisight.com> and Journal of Education, Volume 61, number 4 (may 2012) by L.L. Riskin

⁷ Awareness and the Legal Profession:an Introduction to the Mindful Lawyer Symposium by L.L.Riskin, journal of legal Education, Volume 61, Number 4 (may 2012), p.634-640

The words come from the Old Testament (God vs Moses)

Moses Code Meditation – about 8 minutes

Meditation on the music of James F. Twyman called the Moses Code

Before we start this meditation I want you to write down:

I am..... (that).....

I am

In your mind you place a comma after the word THAT and let THAT represent for you what you like to be manifested in your life. Be specific. What do you want to be?

I am a happy human being, I am wealthy, I am loved by my family...

Use your imagination and write down I am THAT>>>> Imagine that THAT is already there. THINK AT THE END. SEE IT in front of you. IT IS ALREADY SO. Do not hope, do not think I wish: be aligned with your highest self, your source of being and say I AM THAT I AM.

I am.....

Take 5 minutes to prepare.

MEDITATION on the music of the Moses Code
<https://youtu.be/gYzdNYhQQbw> (vanaf 7.23)

SUMMARY

Holistic Law is the new step in our way of practicing law because:

- 1 the next generation clients ask for a broader approach while knowledge becomes a commodity;
- 2 our profession is changing, your personal brand or unique selling point will be your personal approach, that you add to your legal service (love & compassion);
- 3 being aligned with your values makes you stronger, happier and gives you less distress, clients feel this energy and find you.

You can transform the law one day at a time by practicing from the heart

Q & A

Conclusion

Transformation can happen. All of you people have great minds, we all know how to think and how to rationalize things.

Making a decision is the ultimate power. So my invitation to you is this:

Explore your web (the web in your mind): the needs, the believes, the emotions that are controlling you and find your way to make the first step out of your comfort zone. Because if you do, you will see that there is so much to give from your heart, and to appreciate.

Love & Compassion. The world is changing. Stay on it.

Petra Beishuizen

14 October 2016