

# What is Integrative Law?

By J. Kim Wright

## The Blind Men and the Elephant



It was six men of Indostan  
To learning much inclined,

Who went to see the Elephant  
(Though all of them were blind),  
That each by observation  
Might satisfy his mind.

The First approached the Elephant,  
And happening to fall  
Against his broad and sturdy side,  
At once began to bawl:  
"God bless me! but the Elephant  
Is very like a WALL!"

The Second, feeling of the tusk,  
Cried, "Ho, what have we here,  
So very round and smooth and sharp?  
To me 'tis mighty clear  
This wonder of an Elephant  
Is very like a SPEAR!"

The Third approached the animal,  
And happening to take  
The squirming trunk within his hands,  
Thus boldly up and spake:  
"I see," quoth he, "the Elephant  
Is very like a SNAKE!"

The Fourth reached out an eager hand,  
And felt about the knee  
"What most this wondrous beast is like  
Is mighty plain," quoth he:  
"'Tis clear enough the Elephant  
Is very like a TREE!"

The Fifth, who chanced to touch the ear,  
Said: "E'en the blindest man  
Can tell what this resembles most;  
Deny the fact who can,  
This marvel of an Elephant  
Is very like a FAN!"

The Sixth no sooner had begun  
About the beast to grope,  
Than seizing on the swinging tail  
That fell within his scope,  
"I see," quoth he, "the Elephant  
Is very like a ROPE!"

And so these men of Indostan  
Disputed loud and long,  
Each in his own opinion  
Exceeding stiff and strong,  
Though each was partly in the right,  
And all were in the wrong!

**John Godfrey Saxe (1816-1887)**

When I am asked to explain Integrative Law, I usually start with the story of the Blind Men and the Elephant. I even carry a stuffed elephant, pictured with the poem, designed and made by my friend, Diana Baumbauer. 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 change, a complex concept. (It also makes a nice pillow on the airplane.)

Integrative Law is like that elephant. There are many angles and pieces to the movement. Many people have a clear view of one and know nothing of the others. Some have a vague idea about the other parts of the movement. Others have a sense of the whole elephant without distinguishing the various pieces. Some of the distinctions overlap the others. Mostly, we feel the shift and we express it in our own ways.

While I am arguably an expert in the topic of Integrative Law, I am still learning about this movement. Sometimes it seems that I can see a new angle in every conversation. I 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. I can spend Monday, talking about the integrative approach to contracts to commercial lawyers, then turn around on Tuesday and talk about restorative justice to defense lawyers, and then have a conversation with family lawyers on Wednesday. In each conversation, I am talking about the whole elephant, but starting from the specific piece that the group knows well. We start with something familiar, like the tree trunk legs (or need for clarity in contracts) and then we step back and discuss other aspects of the bigger context (like Conscious Contracts).

This Facebook group is a walk around the elephant. Because the members will come from different perspectives, we share from our parts of this elephant.

## History

In *Lawyers as Peacemakers*, I wrote about the emerging movement. At that point, I was reluctant to assign one name when so many were in use and I didn't feel qualified to name a whole movement when I was just one member of a community.

*Because the approaches go by so many names, I usually just refer to "the movement." I sometimes also express it as an inquiry: "What if lawyers were peacemakers, problem-solvers, and healers of conflicts?"*

*Lawyers as Peacemakers* was a turning point for me. I went from being just a weird lawyer to being recognized as a leader. The Movement went from being known to a few fringe cultural creatives to a more mainstream audience.



In 2011, restorative mediation pioneer, Ken Jaray of Colorado, suggested it was time for a gathering of lawyers in the movement. He agreed to play host to a summit in Manitou Springs, Colorado. We thought that we would like to have a group of about 20 and therefore invited a few more than 30.

Our invitations were cognizant of diversity of all kinds. In the end, thirty people accepted the invitation and attended the Summit.

It was a meeting without a preconceived agenda or structure, leaders coming together to talk about our work in the world. We had judges, professors, law students, a legislator, and representatives of collaborative law, restorative justice, sharing law, business, intellectual property, securities, and more. Because we were beginning on Sunday and flights into Colorado Springs were limited, we arranged to begin with 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. Susanne Hoogwater, a graphic recorder and lawyer-mediator, captured our conversations. We talked about what we wanted to do. From the floor came a suggestion that we needed a name to describe the movement that encompassed all our legal approaches. We recognized that, despite the ways we practiced, we all shared a perspective and values that deserved to be named.

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

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

### **The Wiki Page**

One group took on the task of writing a page for Wikipedia, defining Integrative Law. This is what they proposed to Wikipedia:

The Integrative Law Movement aka Comprehensive Law, Holistic Law, others

The Integrative Law movement includes a variety of existing and emerging forms of legal practice, policy initiatives, and legal education aimed at transforming the legal system to more effectively reach its basic goals. The basic goals of a legal system include but are



- responding to societal changes mindfully,
- resolving conflicts, and
- promoting client centered lawyering.

There are initiatives having to do with contemplative practice in law, uniting the inner life of the lawyer with the lawyer's work, and the well-being of lawyers and the stakeholders in the legal system. Topics like forgiveness, apology, empathy, mindfulness, neuroscience, and emotional intelligence are subjects of inquiry and study. Skills like listening, non-violent and non-defensive communication are also explored, alongside the more common legal advocacy skills like types of thinking and problem-solving. Integrative lawyers strive toward civility and professional, ethical behavior as advocates, inside and outside the courtroom.

While not yet well-known in the mainstream, it is akin to the integrative medicine movement in bringing new ideas and perspectives into an existing system. Some approaches of the movement are more widespread and mainstream than others. For example, over 50,000 lawyers have been trained in one model, collaborative law. There are thousands of problem-solving courts in the United States and internationally. Only a handful of lawyers would call themselves lawyer-coaches. Restorative Justice is practiced by both lawyers and non-lawyers.

The approaches share similar core values. At the heart of the movement, is a shift in law from a system that focuses on differences and separation to a system that includes and honors the opinions, perspectives and humanity of all stakeholders. Integrative law takes a broader view of stakeholders to acknowledge that legal problems and controversies do not arise in a vacuum but are part of complex, inter-related systems. Preventing conflict and encouraging sustainable relationships is as important (or more) than resolving it. The models, approaches, and policy initiatives have arisen in response to a new awareness of interconnectedness.

Efforts are underway to integrate these emerging and existing legal approaches with other sectors of society such as conscious business and economics, ecological sustainability, organizational development, collaborative government and others.

The Integrative Law movement finds expression through a range of organizations and individuals, from the large to grassroots. Due to its large membership, varying and strong beliefs, and occasionally cutting-edge nature, the movement is not always unified in its goals or strategies. Many involved in one area of the integrative law movement are not aware of their counterparts in other models, an indication of the diverse participants and processes in the movement. (For example, a collaborative lawyer may not know about the restorative justice movement, even though they share many foundational principles, values and perspectives, just as lawyers working in the area of environmental policy may not be aware of developments in divorce law.)

Integrative law recognizes that the legal system is a foundational institution of government and, while primarily involving lawyers, includes others who are interested in legal issues. At its broadest, the movement includes private citizens, professionals of all disciplines, students, public policy makers, and journalists who are impacted as users of the legal system.

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The page was rejected by Wikipedia. We've since learned that new contributors to Wikipedia are observed with suspicion and the assumption is that they have a personal, usually commercial, stake in the page. Research showed that it took almost two years to approve a page for Integrative Medicine. Independent mentions of the term in media would improve our chances. We decided to back off and to allow the use of the term to make it into the media and more general usage. We're working on that now.

### **Beyond the Summit**

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

In August, 2013, the American Bar Journal even published an article with the headline: "Is the integrative law movement the next 'huge wave' for the legal profession?"<sup>1</sup>

The article set out this description of Integrative Law:

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

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

Others have come up with their own definitions and descriptions of Integrative Law:

*Integrative Law is a new wave of legal practices that are being developed and implemented all over the globe to serve the same needs and purposes as the conventional legal system, but to do so in a way that is far more likely to generate productive outcomes, heal broken relationships,*

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<sup>1</sup> [http://www.abajournal.com/magazine/article/integrative\\_law\\_puts\\_passion\\_into\\_the\\_profession/](http://www.abajournal.com/magazine/article/integrative_law_puts_passion_into_the_profession/)

*address not only the conflict but also deal effectively with the conditions that gave rise to the conflict, and thus, turning conflict into an opportunity to co-create a better world for all. –Linda Alvarez, Author of Discovering Agreement: Contracts that Turn Conflict Into Creativity (ABA, 2016)*

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

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

Integrative law is an international movement that responds to the challenges of law practice with creative, innovative solutions. It blends the human and the analytical. The approach spans personal and systemic change. Integrative lawyers are purpose-oriented, that is, they have a clear sense of their own purpose and the purpose of law; they have a broader view of their roles as lawyers, often seeing themselves as change agents; and they are innovative, looking for ways to serve clients and themselves. --Kim Wright in Lawyers Weekly, Australia, 2012

## What we are integrating

**What works from the old legal system**

**Ancient wisdom**

**Our analytical knowledge**

**Masculine/Yang**

**Institution of Law**

**External world**

**New models of law**

**New discoveries**

**Our holistic knowledge: multiple intelligences**

**Feminine/Yin**

**Clients, Public, Other Institutions**

**Our inner world**

One of the obvious questions that I'm asked is, "If this is integrative law, what are we integrating?" There are several different aspects of this integration.

1. The first integration is that of what works in the old system being integrated with new models and knowledge. For example, a problem-solving court brings a new approach to case management and support to the process in the courthouse, which is part of the old system. The approach of Conscious Contracts integrates what we've learned about trust, neuroscience, purpose and values into a document, a contract, which has been part of the old legal system for thousands of years.
2. Integrative law takes ancient wisdom and brings it up to date with new discoveries. For thousands of years, people have been meditating. Now, we're learning from neuroscience and other medical discoveries that meditation is actually good for our health.
3. The old legal system was designed for some good reasons. Previously justice was arbitrary and based on emotional reactions like revenge. Dueling, jousting, Feudal Justice, Wild West shoot-outs, posses who carried out "justice" with a rope and a tree, evolved into verbally dueling champions arguing in front a judge. Bringing in rules of evidence and standards balanced out a system which could quickly go wild and capricious. The adversarial system brought stability and a measure of predictability and certainty to the resolution of conflicts. In so doing, the system attempted to sterilize the interaction from all emotional content. In so doing, it left out the human perspective.

A lot of problems came from removing the human element: Clients and the public are so suspicious of lawyers and hold them in such low esteem, there is a whole genre of lawyer jokes. Lawyers experience depression, addiction and relationship dysfunction at a rate higher than the public. Encouraging adversarial behavior leads to incivility in the profession. Integrative law brings back emotion and human values in ways that temper and balance the analytical. It isn't a rejection of "thinking like a lawyer," but an expansion of the kinds of intelligence that are brought to the system.

4. Masculine and feminine energy are not meant to refer to male and female, although there is often a correlation is how we are socialized. The law has been the purview of the masculine traits: Analytical, Competitive, Singularly Focus, Rational, Determined. Linear, Logical, Objective, Assertive and Goal-Directed. Feminine traits (Intuition, Collaboration, Multi-tasking, Emotional, Creative, Empathetic, Receptive, and "Going with the Flow") have not been valued in the legal system.
5. We're moving from law as an isolated legal institution to one responsive to the needs and desires of our clients, society and other institutions. Complex issues, scientific and social science discoveries, a public with unprecedented access to legal information, all call for new ways of doing things.
6. And finally, but not the least, we're integrating our internal world with the external world and bringing them into alignment so we are congruent with the world we're living in.

## **In the World**

Because so much of integrative law is about the shift in being, the integration, there are many lawyers in the world who are integrative law practitioners who have never heard the term. I've spent the last 8 years of my life as a nomad, seeking out and connecting these pioneers with others. I'm clear that a worldwide shift is happening. We are everywhere.

And, still, many Integrative Lawyers feel alone and weird because they aren't in a supportive local community. We're creating virtual communities to support each other and to gain the courage to take the steps that are next.

*J. Kim Wright is one of the leaders of the Integrative Law Movement. She is the author of the 2010 ABA Best Seller, [Lawyers as Peacemakers, Practicing Holistic, Problem-Solving Law](#) and the upcoming [Lawyers as Changemakers, The Global Integrative Law Movement](#), due out from the ABA in 2016. For more about Kim, see [www.jkimwright.com](http://www.jkimwright.com) or [www.cuttingedgelaw.com](http://www.cuttingedgelaw.com).*