

Authentic Lawyering: Engaging Your Head *and* Your Heart

By Ruth L. Rickard

We have enjoyed tremendous feedback from the May 2008 Lawyers and Judges Assistance theme issue of the Michigan Bar Journal, and we look forward to the opportunity to have a similar impact on members of Michigan's legal profession through monthly feature articles. The idea is for the State Bar of Michigan Lawyers and Judges Assistance Program (LJAP) to continue to showcase our "baby" by presenting readers with a variety of articles on subjects pertaining to attorney wellness.

We begin our creative outreach with an article by Ruth L. Rickard. Ruth is a member of the International Alliance of Holistic Lawyers, which hosted its annual conference, entitled "Authentic Lawyering, Practicing from the Heart," in Plymouth last month. I was lucky enough to be invited to speak at this event about the relationship between attorney wellness and professional integrity. I was impressed and encouraged by the intentions and energy of the lawyers who gathered there.

Enjoy our debut article, and please join us next month for the second in our continuing series of articles about attorney wellness.

— Martha D. Burkett
Program Administrator, LJAP

Someone needs to write the book, "What's Gone Right in Michigan." I would like to add to a chapter about contributions by Michigan lawyers to the well being of the profession. The article that follows describes how the International Alliance of Holistic Lawyers (IAHL) has provided an avenue for

many members to reaffirm their insistence on being the lawyers their hearts tell them to be, and to enjoy the company and encouragement of others who are doing the same. Our president in 2007 was Tim Batdorf, who practices in the Detroit area. In 2006, three of the four officers—Mindy Hitchcock, Laura Parrett, and Tim—were Michigan lawyers. For more information about IAHL, visit www.iabl.org. To sign up for IAHL's free newsletter, e-mail newsletter@iabl.org.

I have been striving to be a "holistic lawyer" for years. I couldn't quite articulate that until I discovered the International Alliance of Holistic Lawyers (IAHL), stumbling on its annual conference in 2004 almost by accident. The room was filled with smart, accomplished, and fun-loving lawyers, who shared the following vision:

The IAHL envisions a world where lawyers are valued as healers, helpers, counselors, problem-solvers, and peacemakers. Conflicts are seen as opportunities for growth. Lawyers model balanced lives and are respected for their contributions to the greater good.

I'd found it! A place where we could talk openly and sincerely about these val-

ues and how each of us was trying to reconcile them with what we actually do daily as lawyers.

At the next year's IAHL conference, our keynote speaker was Stu Webb, the Minneapolis lawyer who created the concept of collaborative family law. Stu's first rollout of the concept to a national audience was, in fact, at an IAHL conference. Collaborative law is now an international movement with its own association numbering 3,000 members. This kind, smart, totally approachable man participated the entire weekend in our circle discussions. When asked how he came up with the idea of collaborative law, Stu said, "I was just looking for a way to practice law and be myself." In that moment, I knew that if I just got back to my core values and being me, I, too, could make a real difference. I wasn't sure in my head how I'd do that, but I felt it in my heart and I knew it.

One of our members, Jennifer Foster, in Asheville, North Carolina, writes about her experience at the 2006 IAHL conference:

This time two years ago, I was ready to give it all up—the hard-earned credentials, the prestige, and the pay from being a practicing lawyer. I was so unhappy practicing law. In the 10 years since law

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school, I had begun to disintegrate, dropping into substance abuse, depression, anxiety, extreme worry, and fatigue. All I could do was crawl my way into the office each day to earn my paycheck, hoping to survive the day without encountering an unknown legal problem, left alone without mentorship.

Then an attorney friend invited me to a conference in Monterey. It was the annual IAHL convention. I didn't even know what "holistic" lawyering meant, but I went.

The conference that followed shook me to my core. We shared intense personal experiences through circle processes, all in an environment of safety and love. The attorneys present were older and had already faced the crisis I was experiencing and had reached the other side. They were happy, laughing, enjoying their lives as lawyers, all the while helping people and sustaining real human relationships. Who were these people? I didn't yet know, but I did sense that a higher consciousness in the practice of law could not only transform me, but also the profession.

I immediately set course to practice holistically, determined to figure it out as I went along. I began to provide space for clients to articulate the emotional component of their conflict and their need for healing. I counseled them toward peaceful solutions and reconciliation, even forgiveness, rather than discussing hard-nosed litigation as the only option. I more easily gave of my time and myself, as I allowed the formal barriers between lawyer and client to fall away. I gained friends, referrals, and even respect from my senior partners.

Of course, Jennifer and I are not alone in becoming dissatisfied in our practice. I've discovered a growing body of literature that recognizes and describes the elements at work that have gotten so many of us to a feeling of emptiness in our professional lives. Indeed, the statistics bear out that lawyers are among the most depressed and addicted of professionals. In her book, *Lawyer Know Thyself*,¹ Professor Susan

Daicoff describes an archetypal successful law student, John, with high grades and all the goodies that go with such success. Even after achieving all the indicia of outward success, he felt empty and finally quit the practice. She explains that John had realized that "his atypical traits of feeling, and altruistic, humanitarian impulses were rare in law school; unless he learned to submerge or conceal them, he would be iso-

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lated, outcast and ridiculed in law school."² Professor Larry Krieger, founder of the Humanizing Legal Education movement, reviews the literature on this in a recent article. He explains how the process of learning to "think like a lawyer" generally "relegates the misery of others to irrelevance."³

Of course! I recognized the student in the first days of law school—an unwitting sacrificial lamb—who raised her hand to speak about injustice. She only did that once. That may be how many of us began to lose track of a core value that led us to law school—the aspiration to make a meaningful difference.

My point is not to bash the legal academy. I was a full-time law professor for six years who adopted the "tough teaching" approach to prepare the students for what they would encounter in practice. The problem appears to be the proverbial snake wrapped in a circle with its tail in its mouth, feeding on itself. The academy had to teach us to be conventional lawyers—which stripped

so many of us of a connection to our core values—and we proceeded to fit ourselves into what was viewed as the only acceptable mode of legal practice. Thus, we honored our intellect and fed our natural tendencies for competitiveness, while submersing our hearts, emotions, and any number of important intrinsic values. As both Professors Daicoff and Krieger explain, when our "success" is based on extrinsic values (e.g., winning is everything!), we are eventually left empty by our successes. Disengaged from our real selves, the practice becomes a pie-eating contest: we struggle and strive to win, and when we do, the prize is... more pie.

And so it is that many of us are searching for ways to reconnect our hearts with our heads in our professional lives. I have been inspired, again and again, by David Hall's book, *The Spiritual Revitalization of the Profession*.⁴ Addressing the concept of "serving the whole client," Professor Hall quotes a number of IAHL members talking about how they deal holistically with

clients. Bill Van Zyverden, our founder, describes dealing with a client charged with DWI, and how a lawyer-as-healer approach led the client to enter a guilty plea and face openly and honestly how he had gotten himself into the situation.⁵ John McShane, a collaborative family lawyer, poses two questions to himself when a new person comes in: “What was this person sent to teach me?” and “How can I serve this person?”⁶ Ed Shapiro is one of those litigators David Hall describes as finding ways to be effective without embracing the bulldog paradigm imposed by so many clients, opposing counsel, and even judges. Ed captures how he maintains his internal equilibrium in his statement that “the only way to win the battle is not to be in the battle.”⁷ Here is another snippet from Jennifer on one of her experiences:

My first opportunity to apply holistic principles in civil litigation came, not coincidentally, from a nun, who had never done anything wrong in her life before backing into someone’s prize Camaro in the grocery store parking lot. My client wanted to apologize and make right her wrong. She was overcome with gratitude when I explained to her that I had recently embarked on a journey to integrate consciousness and spiritual values into the practice of law. She proclaimed that her prayers had been answered! The opposing party, on the other hand, just wanted vengeance upon the offender, nun or not. At trial, however, I was able to convey my client’s sincere apologies. The opposing party melted, her anger turning into understanding. We all left the courtroom together, talking of dream vacations to Hawaii.

Others of us have focused on lawyer-as-counselor or peacemaker. Philip Daunt (who practiced in Detroit for a number of years) calls his method the “coach approach” to lawyering. In answer to a question posted on the IAHL member’s listserv, Phil answered this way:

When I read the question “What is a peacemaking attorney?” I was drawn to my own personal experience as an attorney. When I started practicing law some 27 years ago, I thought of myself as a “hired gun.”

As I matured in my practice, I began to see lawyers as “conflict managers.”

I have since come to think of lawyers as having the potential, at least, to be “conflict healers,” helping their clients to resolve conflict in a manner that is for the good of all, without focusing on winners and losers and the need to dominate and avoid domination in order to prevail. I like to think of myself as a “transformational lawyer,” one who teaches his clients to transform their legal problems into opportunities for personal growth and positive change. I do that by inviting them to take 100 percent responsibility for their lives (to use a Jack Canfield expression). I ask them to choose to believe that their legal situation is the result of choices they have made, and that they were doing the best they possibly could, given the resources available to them at the time. I also ask them to believe that everyone else involved has done the best they possibly could, given the resources available to them. Now they are free to make new choices that may better serve to achieve their goals, and to offer others resources that may have been unavailable to them before, so they can also achieve their goals compatible with my clients’ goals.

From this perspective, it has been my experience that conflict can be resolved in a synergistic fashion and peace can often be made in an effortless fashion, contributing to the welfare of all involved.

I am reminded of something said at our recent conference by Ward Powers, Detroit lawyer and creator of *One: The Movie*: “It’s not about giving up your power. It’s about adding a new dimension to the situation—and you don’t necessarily need to say a word about it to the other party. The consciousness is just there and actively working.” I’m reminded also of Daniel Bowling’s and

David Hoffman’s book, whose title captures the concept: *Bringing Peace Into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution*.⁸

These concepts are not unique to lawyers who call themselves “holistic.” A large network of like-minded people in the profession is insisting on making room for outside-of-the-box ways to serve clients. Professor Susan Daicoff has penned the name “comprehensive law movement” to describe the development of organizations that, in one way or another, adopt some aspect of the broad aspirations that the IAHL vision embraces. They include collaborative law, Renaissance Lawyer, restorative justice, therapeutic jurisprudence/preventive law, transformative mediation, and procedural justice, among others.

In our various ways, I suspect we are all seeking to fulfill a heart desire that says, “I wish to contribute value.” ■

Ruth L. Rickard is editor of the IAHL newsletter. She earned her JD from the University of Texas and LLM from the University of London. Currently a solo practitioner, she has practiced commercial litigation, was a full-time law professor, and has served as staff attorney for the Dallas Court of Appeals. She is involved, with many others, in the development of civil (non-family) collaborative law. Her e-mail is ruth@rickardlawfirm.com.

FOOTNOTES

1. Daicoff, *Lawyer, Know Thyself* (American Psychological Association, 2004), p ix–xv.
2. *Id.* at xiv.
3. Krieger, *Human Nature as a New Philosophy for Legal Education and the Profession*, 47 *Washburn LJ* 247, 261 (2008).
4. Hall, *The Spiritual Revitalization of the Legal Profession: A Search for Sacred Rivers* (Edwin Mellen Press, 2005).
5. *Id.* at 158.
6. *Id.* at 134.
7. *Id.* at 165.
8. Bowling & Hoffman, eds, *Bringing Peace Into the Room: How the Personal Qualities of the Mediator Impact the Process of Conflict Resolution* (Jossey-Bass, 2003).

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