

## Wizards of Justice: The Power of Imagination

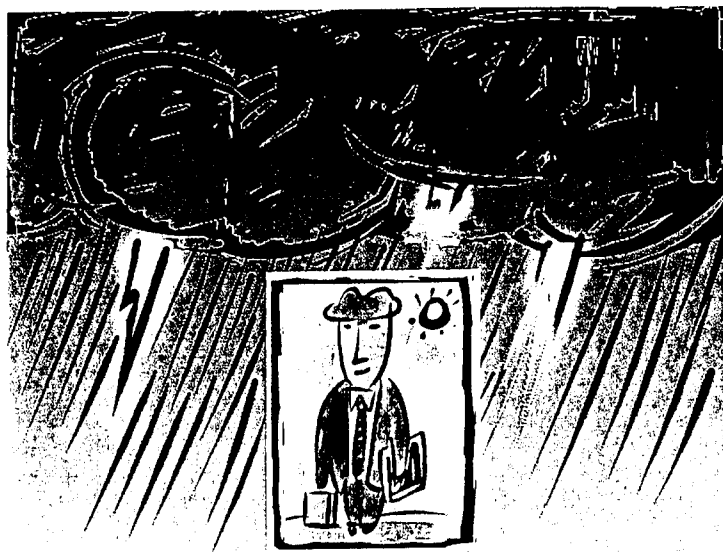
by Stella Rabaut

Wizdardry is about magic, wisdom and imagination — a joint enterprise of head and heart.

I never imagined that while my friends were shopping for cranberries and pumpkin on the weekend before Thanksgiving, I would be boarding a plane bound for Kalamazoo, Michigan. My task was both compelling and pleasing. I had been invited to facilitate a gathering of outstanding lawyers from the bench and the bars (state bars, that is). This “summit” gathered under the rubric of “Healing and the Law.” We were invited to envision and share innovative approaches to “healing” in the practice of law.

Looking back, nothing in my career has ever provided me more professional pleasure. For 20 years I have practiced law, counseled clients, and participated in courtroom dramas and traumas. In my heart, and occasionally in print, I questioned our way of doing business. But I hardly expected this conversation would become explicit. I did know that this meeting in Michigan would call for collective wizardry — which is to say, imagination.

I applaud the Fetzer Institute for providing the money and people to make this inquiry happen. I value those attending who, despite family and other life demands, chose to give personal time to this passionate conversation. I value the openness of heart and mind with which they gathered from different areas of the profession and the country. Although each one had expertise, all were present as learners. Ours is a profession wedded to precedent and logic, so I value the courage to reconsider things that have long been established norms in the profession, while exploring and imagining new possibilities.



The snow fell, sticking to the bare trees surrounding the Seasons Retreat Center, as the fireplace warmed the room. The bell chimed and conversation began with personal statements about why each participant had accepted the invitation to explore law as a healing profession.

All of us can look back with pleasure, disbelief, or even shock, and recall our historic roots as healers of conflict. Perhaps with this in mind, over 15 years ago, U.S. Supreme Court Chief Justice Warren Burger challenged members of the American Bar Association with the query: “Should lawyers not be healers? Healers, not warriors?” Paradoxically, we look back in order to move forward. “Chaos theory” has taught us that in any organization present order is always on its way to disorder and chaos so that a higher level of organization may arise. Our challenge is not one of simply re-engineering things of the past, but to imagine a creative new design for the future; to step outside of the known and see the connecting patterns emerging within and across all professions and cultures, even law. The group at Fetzer took such a step.

The conversation in other disciplines is fused with new systemic thinking and in

tegral awareness of the inter-relatedness and interdependency of all living systems, which (we hope) includes legal communities. In the larger conversation about the well-being and the future of the human community, the organizing priority of “knowing” is expanding to include an equal and interactive emphasis on “relating.” Being a “wizard of the law” means developing the mind skills of rational analysis, but simultaneously attending to the heart and spirit of the attorney as well. This moves us toward a

rebalancing and integration of the influences of the “thinking” (left) with the “feeling” (right) sides of the brain.

In the legal culture today, wizardry is expanding. (Harry Potter could become interested in law school.) In addition to the Healing and the Law project, there are imaginative “happenings” in other arenas of law practice. The restorative justice movement, the collaborative law movement, creative drug courts, and the interdisciplinary perspective of therapeutic jurisprudence are all gaining momentum.

These emerging developments have common themes that wizards grasp in an integral embrace. Foremost is sustained attention to the *emotional process*, both within and between the parties. Since human beings are fundamentally emotional beings, this awareness comes to us belatedly in a blinding flash of the obvious. Second is *congruence in personal and professional values*, emphasizing integrity on the part of the attorney whose behavior embodies his inner values. In time, the term “lawyering the truth” will be spoken not in a tone of contempt, but as a compliment to honesty. Third, *collaboration* is a mindset that seeks fairness in outcome rather than win-

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ning at any cost. In this sense, outcome takes precedent over income. Finally, the overall focus of these innovative approaches is on the lawyer's role as *healer and coach*. This organizing principle conclusively defines law as a helping profession.

Along with satisfaction, redress, reconciliation, learning and growth come desired outcomes. The attorney expects and suggests a good outcome, and provides strong encouragement for discernment and responsibility on the part of clients. This creates a rich understanding of justice as a step towards wholeness. So we give up the hierarchical "expert" stance because the "counselor at law" role is more holistic and life-giving, and is a better representation of the client's deeper interests than the zealous advocate. Healing and the law includes healing for the lawyer. These are "transforming practices."

It does, however, call for a different level of consciousness on the part of the attorney. This cannot be coerced, for each one of us is on his own internal timetable. So the watchword is patience, along with imagination. As the four elements of emotional sensitivity, congruency, collaboration and coaching are held together, we begin to create "integral law," keeping pace with the movement toward integrity in all the other large communities of influence within our nation.

Before the wizards left Kalamazoo, the next steps were outlined: for judges, a conference titled *Healing from the Bench*; for lawyers, gatherings to exchange "healing stories" reinforcing new values; for the public, a media plan portraying lawyers in this emerging role; and for law schools, a conference to consider how to create curriculum allowing for the formation of lawyers as counselors and healers. Students who now graduate with less of self than when they arrived can look forward to graduating as whole people.

When the bell chimed for the last time, I headed back to the softly persistent rain of the Northwest. Fetzer is now just a memory, but the dream is very much alive. ♪

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