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Modern way of dealing with couples, separation and children

Supporting Documents

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OSLO EDUCATIONAL PROGRAMME

Mediation and Arbitration in mainland Europe and other new ways of working

1) In your French system, can you choose between judicial and conventional mediation? If so, what are the main differences between these two alternative dispute resolutions ?

Yes, we have both judicial and conventional mediation in our French system :

- Judicial mediation: In this situation, parties have already decided to bring their case to the judge, so there is a pending procedure.

However, one of the parties can ask the judge to suspend temporarily the pending proceedings to attempt a mediation process.

With the parties' agreement and even without their agreement for some minor issues since 2019, the judge can also decide himself to put into place a judicial mediation.

A prior attempt at family mediation is mandatory since the Law of November 18th, 2016 : to avoid the judge having to decide if there is inadmissibility of the request before the court, he must prove that he firstly attempted a family mediation.

This applies to all judicial litigations after or without divorce. This experimental procedure took place in 11 French courts at first instance and has been renewed in 2019.

- Conventional mediation: Before going to court, parties can choose either conventional mediation through their own initiative or because of a mediation clause.

It is necessary to ask for the judge's approval in order to make the agreement enforceable. He cannot change the terms of the agreement, but he can refuse to homologate it without debate.

The French Law of March 23rd, 2019 aims to develop the culture of mediation and to establish a legal framework for the resolution of the amicable dispute :

- Article 3 : Expand the judge's power of injunction to meet a mediator.
- Article 4 : Expand the litigations which firstly require an attempt at an amicable dispute resolution between the parties before taking the case to court.

2) Is a party allowed to ask for an alternative dispute resolution at anytime during divorce proceedings? Is it possible for a party to change its mind after starting a judicial litigation?

- Judicial mediation can take place at any time after the beginning of the proceedings. It can take place at first instance or on appeal and can be ordered by any judge.

- Participatory procedure must take place before any judicial proceedings. This allows the parties to find an agreement on the subject of the dispute within the defined framework of a convention. This one is signed by the parties and the two lawyers, and sets the subject, duration and timetable for the exchanges. The agreement can then be approved by a judge.

- Participatory procedure on case management only takes place after the introduction of the judicial dispute. Its goal is to prepare the dispute to be judged and to have control over the case management. A convention must be signed, with the same conditions as to the terms of the classic participatory procedure but the subject matter only concerns the case management. It can also allow the parties to reach an agreement, but this is an option.

  At the end of the case management, there are three possible options:
  1. If the parties couldn't reach an agreement, the judge can judge the dispute quickly ;
  2. If the parties reached a partial agreement, he approves the points of this agreement and judges what remains in dispute quickly ;
  3. If the parties reached a complete agreement, he approves the agreement quickly ;

  If the parties did not succeed the case management, they return to see the Judge and have a classical judicial case management.

In both cases, suspension of the legal deadlines is granted when the parties either choose a mediation or a participatory procedure.

- Collaborative process: This process can only take place before any referral to a judge as it is mandatory for this process not to seize any jurisdiction. It is obligatory for lawyers to withdraw from the case if negotiations fail, and they cannot go to Court.

-Arbitration can take place at any time but only in matters which are not considered as public order. It is usually used before starting a judicial litigation as it is another way to judge.

3) What are the costs regarding alternative dispute resolution systems ? Can you ask for legal aid if you choose to go for a non-judicial solution? Is it more interesting financially to go for an alternative dispute resolution?

The parties can ask for legal aid participation if they choose mediation. This legal aid can also be provided for the expenses paid by the parties for the lawyer accompanying the mediation.

The cost of non-conventional mediation are fixed by the Judge. For conventional mediation, they are set by the mediator and either shared equally between the parties or calculated with regard to their financial situation.

The cost of a participatory procedure are less expensive than judicial case management and legal aid is also possible.

There is no legal aid for arbitration.

In any case, those alternative dispute resolution processes are less expensive than going to litigation in which the cost is more important due to lawyers' fees, social investigations, cost of expertise, procedure incidents and the taxation of proceedings for each new instance and appeal.

4) Do you need training to practice mediation or collaborative law as a lawyer in France? Are Lawyers the only professionals allowed to provide mediation or collaborative process services?

- Lawyers practising collaborative law need to be trained with the collaborative process before using this amicable mode. A 5 day training program is essential to master the negotiation process and the tools on which it is based (reasoned negotiation, active listening, reformulation etc). Only lawyers can lead a collaborative process.

- Anyone can be mediator, not only lawyers. They must be trained for at least 200 hours if they want to appear as Mediator on the Judicial register of the Court. Some Family Mediators also hold a State Diploma (3 years).

Lawyers of the parties can also attend the mediation session. In this situation, their role remains limited, they only advise towards the process of mediation, draft the agreement found with the mediator but they remain a relatively silent witness during the mediation.

5) Do you have another form of collaborative process under French Law? What are the main distinctions between participatory procedure and collaborative process ?

The participatory procedure is inspired by the collaborative process, which as such is not mentioned in our Civil Code. However, some distinctions remain:

- With the participatory procedure, it is not mandatory for lawyers to withdraw from the case if negotiations fail, they can still go to Court ;
- The confidentiality of evidence offer more guarantees in the collaborative process than in the participatory procedure

Common features	Distinctions
• Presence of lawyers • Meetings with parties and lawyers • Charter setting out rights and obligations • Possibility of jointly appointed experts • Ability to negociate and ratify the agreement • Confidentiality of negotiations	• No obligation to withdraw lawyers • No obligation of absence of judicial procedure • No global agreement obligation • Reasoned negotiation • The confidentiality of the pieces • A process VS a proceeding

6) In France, do you use arbitration in your family matter cases? How could it be possible to implement arbitration in France? Could you tell us more about the French Family Litigation Arbitration Center (CALIF)?

Until recently, few legislations have allowed arbitration in Family Law disputes, considering such arbitration to be contrary to public policy. When arbitration has been allowed, its scope has been limited to the financial consequences of divorce in some legislations, while in others it also extends to child arrangements.

In France, arbitration is not used in Family law disputes. Family law is not considered to be arbitrable because of the classic conception of inalienable rights. However, arbitration could emerge due to the liberalisation and contractualisation of Family Law.

This is why last year, the French Family Litigation Arbitration Center was created to offer arbitration in Family Law, both in internal and international legislations. This service is provided by lawyers, notaries or academics practising or having exercised. This association also promotes family arbitration and initiates and participates in any action developing arbitration in Family Law.

OSLO EDUCATIONAL PROGRAM

Mediation and Arbitration in mainland Europe and any other new ways of working

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Mulon Associes

1

1

Alternative Dispute Resolution Process in Family law

- Mediation
- Collaborative Law
- Participatory procedure (on substance and on case management)
- Arbitration

2

2

INTRODUCTION

- Reference texts :

Article 1528 Code of civil procedure : The parties to a dispute may, on their own initiative and under the conditions provided by the law, attempt to solve it in an amicable way with the assistance of a mediator, a conciliator of justice or as part of participatory procedure, with the assistance of lawyers.

Article 1529 Code of civil procedure : The previous article applies to all disputes under the civil, commercial and social matters jurisdictions.

3

3

Three main reasons of using Alternative Dispute Resolution Process in French Family law

➔ To unclutter judicial courts with the litigations

➔ The evolution of family law : contractualisation of the main family law matters (e.g : non judicial divorce), more responsability for the parties as they claim ownership of their litigation…

➔ The new role of the lawyer : firsty, he is a counsel

4

4

- PART 1 : AMICABLE DISPUTE RESOLUTIONS
  - ➔ Mediation
  - ➔ Collaborative law
  - ➔ Participatory procedure (classic and for case management)
- PART 2 : STRICLY ALTERNATIVE DISPUTE RESOLUTION
  - ➔ Arbitration

5

5

PART ONE : AMICABLE DISPUTE RESOLUTIONS

The new changes brought by the law of March 23, 2019 on programming of justice in mediation

Title II, Ch 1, Section 1 : The aim is to develop the culture of alternative dispute resolution and to establish a legal framework for the amicable dispute resolution services

- Article 3 : Expand the power of injunction of the judge to meet a mediator
- Article 4 : Expand the litigations which need first an amicable dispute resolution attempt between the parties before to take the case to court

6

6

THE COMMON POINTS BETWEEN THE ADR

- **Approval of an agreement by the judge:**

Article 1565 Code of civil procedure : The judge's approval is possible to make the agreement enforceable. The judge can't change the terms of the agreement.

Article 1566 Code of civil procedure : The judge rules on motion without debate. If he decides to refuse the approval of the agreement between the parties, the decision can be appealed.

- **Suspension of the statutory limitation ;**

Article 2238 Code of civil procedure : The suspensions of the statutory limitation is granted when the parties chose a mediation or a participatory proceeding after a dispute appears between them.

7

7

- **Inadmissibility reasons of the judicial referral:**

Since the last reform, new article 56 Code of civil procedure :

the party who files for divorce before the court doesn't have to prove first that he tried to find an alternative dispute resolution if there is not a legal obligation to do it.

Decree n°2019-1333 of December 11, 2019

8

8

Mediation

- The mediation in the family law disputes
- The development of the international family mediation
- The expansion of the family mediation in Europe
- The European mediation regulations
- Comparative analysis: the practice of mediation in different European States

9

9

Guiding principles of mediation

- There is a third party intervention
- This third party is impartial, qualified, without decision-making power
- He helps the parties to restore a dialogue between them
- The parties find themselves their own agreement
- There is a confidentiality of the exchanges

10

10

- In the French system, we have two kinds of mediation :

➔ JUDICIAL MEDIATION

➔ CONVENTIONAL MEDIATION

11

11

Judicial mediation :

Article 255 2° Civil code: The judge may propose a measure of mediation to the spouses and, after gaining their consent, appoint a family mediator in order to go through with it. He can also enjoin the spouses to meet a family mediator who will inform them of the purpose and progress of the mediation.

Article 373-2-10 Civil code : In case of disagreement, the judge shall endeavor to conciliate the parties. For the purpose of making easier the search by the parents of a consensual exercise of parental authority, the judge may offer them a measure of mediation and, after having received their agreement, designate a family mediator who will initiate it. He may call upon them to meet with the family mediator who will acquaint them with the subject and progress of such a measure.

Article 131-1 Civil code : A judge seized of litigation may, after having obtained the consent of the parties, appoint a third person who will hear them and confront their points of view to help them resolve the dispute dividing them. This power is also given to the summary procedure judge in the course of the proceeding.

The parties can ask for a **legal aid participation** if they chose a mediator. This aid can also be provided for the expenses paid by the parties for the lawyer accompanying in mediation.

12

12

Conventional mediation :

Article 1530 Code of civil procedure : Mediation and conventional conciliation are defined as any structured process where two or more parties attempt to reach an agreement, **outside any judicial procedure** to find an alternative dispute resolution, with the assistance of a **third party chosen by them** who accomplishes his mission with **impartiality, competence and diligence**.

Article 1531 Code of civil procedure : Mediation and conventional conciliation must respect the principle of **confidentiality**.

13

13

THE COMPULSORY PRIOR ATTEMPT AT FAMILY MEDIATION :

→*Experimental procedure* over a period of 3 years which has been renewed with the last Reform from December 2019

Article 7 Law of November 18, 2016 n° 2016-1547 : to avoid the judge from deciding there is an inadmissibility of the request from a parent before the court, he must prove that he attempted first a family mediation

It applies to all the judicial litigations **after a divorce or without divorce**

This experimental procedure took place in **11 French court of first instance**

Three situations where the prior family mediation were not compulsory:

- If the parties chose to go through a conventional participatory procedure or a collaborative process;
- If the hearings time is very long,
- If there is any violence fact reported to be committed by one parent on the other one or on the child.

The progress of the compulsory prior family mediation attempt :

- A prior information to the parties
- An appointment with the mediator for information
- A mediation session with the family mediator
- An examination by the juge

14

14

The development of the international family mediation

- Particularly useful in the international child abductions cases to get around obstacles to the return of the child (75% success of mediations carried out by the CMFI- The Unit of International Family Mediation).
- **Specificity** of the international family mediation (two mediators, remote meeting, interest of the child) : guide to good practice foreseen by the Hague Conference
- **Institutionalisation** of the international family mediation :
  - La Cellule de Médiation Familiale Internationale (CMFI – DACS - Bureau de droit de l'Union, du droit international privé et de l'entraide civile) **[International family Mediation Center]**
  - Le Service Social International (SSI) – ONG **[International Social Service]- non governmental organisation**

15

15

The development of family mediation in Europe

- *Directive 2008/52 of May 21, 2008 on certain aspects of mediation in civil and commercial matters*: **Large definition of mediation** and **mediator** and promotion of extrajudicial mediation
- *Recommandation of the Committee of Ministers to Council of Europe's members N° R(98)1 on familial mediation*: **promotion** of family mediation in Europe
- *European comission for the efficiency of the justice*: **Toolbox** for the development of mediation in Europe

16

16

The practice of mediation in different European States

➔ The family mediation legislation State by State on the website *e-justice*

- *England* : mediation Information and Assessment Meeting are an obligation. Family Mediation Council to harmonise standards for Family Mediation
- *Belgium* : mediation is governed by the law of February 21, 2005 : 1 month maximum for a mediation in divorce matter
- *Italy* : mediation is governed by the decree of March 4, 2010 and the law of June 18, 2009 : negotiation procedure assisted by lawyers in family matters
- *Germany* : the law of July 26, 2012 : free informative meeting in divorce matter

17

17

Collaborative Law

- The origins of the collaborative process
- The pillars of the collaborative process
- The steps of the collaborative process
- The tools of the collaborative process
- The development of the collaborative process in Europe

18

18

The origins of the collaborative process

- This approach to conflict resolution was created in 1990 in the United States, by a mediator and lawyer Stuart WEBB.
- Since 1990, the Collaborative law movement has spread rapidly to the anglo-saxon States and then in the European States(Germany, Switzerland, Spain, Belgium…)
- Introduced in France in the early 2000s. Promoted by the French Association of Collaborative Law Practitioners (AFPDC) in 2009.
- Inspired the creation of the participatory procedure
- No text in the Code
- 98% success rate

19

19

The pillars of collaborative process

5 essential points:

- No recourse to the judge
- Teamwork and third party intervention
- Transparency (loyalty)
- Consolidated confidentiality (Collaborative Charter)
- Withdrawal of lawyers in case of failure

20

20

The steps of the collaborative process

- Information gathering about the situation
- Determination of the Interests- Needs- Values- Concerns of the parties
- Objectivisation
- Formulation of options
- Offers
- Drafting and signing the agreement
- Approval from the family judge is possible in order to make the agreement enforceable

21

21

The tools of the collaborative law

- Non-violent communication
- Rewording
- Active listening
- Reasoned negotiation

22

22

The development of the collaborative process in Europe

➔ **European Network of Collaborative Practice (ENCP)** : network of European CP organisations to connect, share ideas and develop collaborative practice in Europe.

- Italy : negozizione assistata
- Spain : derecho colaborativo
- England : collaborative law

23

23

The participatory process, an other way in France

- The classsic participatory procedure
- The Participatory procedure for case management

24

24

THE FRENCH LEGAL FRAMEWORK FOR THE PARTICIPATORY PROCEDURE

- *Article 1543 Code of civil procedure* : The participatory procedure takes place according to a conventional agreement-seeking procedure, followed, if necessary by a procedure for the purposes of judgment,
- *Article 2062 Civil code* : An agreement of participatory procedure is an agreement by which the parties to a dispute, not yet before a judge or an arbitrator, commit to work together and in good faith to resolve their dispute amicably. This agreement is entered into for a specified period of time.
- *Article 2063 Civil code* : The agreement of participatory procedure is, under penalty of nullity, included in a writing that specifies: 1o Its term; 2o The object of the dispute; 3o The documents and information necessary for the resolution of the dispute and the modalities of their exchange.
- *Article 2065 Civil code* : As long as it is in effect, an agreement of participatory procedure makes inadmissible any demand to a judge to rule on the dispute. However, if one party to the agreement does not execute it, another party is then authorized to call on a judge to rule in the dispute.
- *Article 2067 Civil code* : An agreement of participatory procedure may be entered into by spouses intending to find a consensual solution concerning their divorce or separation from bed and board.

25

25

Conditions of application of the participatory procedure

- It must relate to a free disposal right but there is an evolution of this concept in family law.
- Professional secrecy of lawyers
- Confidentiality for the parties
- Form of written agreement
- Mandatory notices from article 1545- Code of civil procedure

26

26

Common points/ differences between the participative procedure and collaborative process

POINTS COMMUNS	DIFFERENCES ESSENTIELLES
• Two lawyers • Meeting at four • Charter setting out rights and obligations • Possibility of jointly appointed experts • Ability to negociate and ratify the agreement • Confidentiality of negotiations	• No obligation to withdraw lawyers in the participatory procedure • No obligation of transparency • No obligation of absence of judicial procedure • No global agreement obligation • Reasoned negotiation is essential to the collaborative process • The confidentiality of the pieces of evidence is guaranteed in the collaborative process • A process VS a proceeding

27

27

The participatory procedure for contractual case management

In the basic judicial case management :

- The organisation of the pre-trial regarding the proof belongs to the judge
- The judge is responsible for ensuring the fair conduct of the proceedings
- The judge rules on incidents before substantive debate
- The procedure of case management only takes place in the first instance courts and in courts of appeal

With the participatory procedural for contractual case management : the parties prepare the dispute to be judge by and to have control over the case management. It can also allow the parties to reach an agreement, but this is an option.

28

28

At the end of the participatory procedure for contractual case management :

- If the parties did the case management but have no agreement, the judge can decides disputes quickly ;
- If the parties did the case management and have a partial agreement, judge approves the points of agreement and decides what remains in dispute quickly ;
- If the parties did the case management and have a complete agreement, the judge approves the agreements quickly ;
- If the parties did not succeed to do the case management, they return to see the Judge and have a classic judicial case management.

29

29

The participatory procedure for contractual case management

- Reference texts:
- *Article 1543 Code of civil procedure* : The participatory procedure may also takes place within the pending proceedings for the purpose of case management before any court of the legal system.
- *Article 1546-3 Code of civil procedure* : List of the procedural documents countersigned by a lawyer as part of participatory procedure.
- *The last French reform related to the procedure of divorce made the choice of the participatory procedure for contractual case management by the parties easier as it can take place after the orientation hearing and on provisional measures.*

30

30

Advantages of the participatory procedure for contractual case management

- Allows the parties to reappropriate the case by bringing themselves the evidences
- It gives more responsabilities to the parties
- It can bring to a substantive agreement
- It lightens the burden of cases in the courts
- Predictability of costs and duration

31

31

PART TWO : STRICLY ALTERNATIVE DISPUTE RESOLUTION

ARBITRATION

- The reasons of the emergence of family arbitration
- The advantages of using family arbitration
- The limits to the use of family arbitration
- The practice of family arbitration in Europe
- The French example : the creation of CALIF

32

32

The reasons of the emergence of family arbitration

- Contractualisation of family law
- Development of alternative dispute resolution
- Non judicial divorce by mutual consent
- Arbitration clause is open to civil interests in the contracts between non-professionals after giving their consent

33

33

The advantages of using family arbitration

- Speed : obligation to give a solution quickly (within 6 months maximum otherwise) ;
- Flexibility of the convention : simple compromise of arbitration, choice of language, duration of the assignment, methods of notification ;
- Free choice of the competent arbitrator (taxation, international, real estate expert… who is impartial and revocable ;
- Confidentiality and fair dealing;
- Freedom about the organisation of the procedure ;
- The arbitrator can determine a dispute in accordance with the rules of law or as an amicable compounder;
- More acceptable sentence by the party who failed by considering all the elements of the situation;
- May give interim or conservatory measures in emergency (e.g : deposit of occupancy allowance) ;
- May give an injunction to produce pieces of evidence under penalty.

34

34

The limits to the use of family arbitration

- Inalienable rights

- *Article 2060 Civil code*: «*One cannot enter into a compromise agreement about matters of status and capacity of the persons, matters relating to divorce and judicial separation or matters of disputes involving public bodies and institutions and more generally in all matters concerning public order*. »

However, the classic conception of the inalienable rights is not much strong anymore considering the liberalisation of the family law : contractualisation of family law with the ADR (alternative dispute resolution), mutual consent divorce…

35

35

The practice of family arbitration in Europe

- Institute of Family Law Arbitrators : Guide to the Family Law Arbitration Scheme : finding an arbitrator in children matter and/or financial matter
- The Chartered Institute of Arbitrators (CIArb) : world's leading professional membership body for arbitration and alternative dispute resolution
- International Family Law Arbitration : Arbitrators to determine forum disputes
- Until recently, not much jurisdictions have allowed arbitration of family law disputes, considering such arbitration to be contrary to public policy. When arbitration has been promoted, its scope has been limited to the financial consequences of divorce in some jurisdictions, while in others it extends also to child arrangements

36

36

The French example: the creation of « CALIF »

- Creation of « Centre d'Arbitrage des Litiges Familiaux » (Family Litigation Arbitration Center) in 2019,

Chaired by Elodie Mulon :

Association which goal is to offer an arbitration service and if needed a mediation in family law, both in intern and international legislations. This service is provided by lawyers, notaries or academics practicing or having exercised.

This association promotes as well family arbitration and initiates and participates in any action developing the arbitration in family law.

37

37

Conclusion

- New ways of working and solving family issues
- General processus of developing non judicial decisions in family issues
- The need to go through an alternative dispute resolution process (ex: international child abduction situations)

38

38

New Ways to Include Alternative Dispute Resolution Methods in Resolving Family Law Disputes in Ontario, Canada

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The family court system in Canada, like other jurisdictions, is overburdened and unpredictable. Understandably, parties seek ways to resolve disputes in a timely, productive, and cost-effective manner. Alternative Dispute Resolution (ADR) methods provide parties with greater control and input in crafting a resolution outside of an adversarial setting, thereby potentially offering a more empowering process than litigation. The ADR process may also lend itself to greater flexibility and creativity in crafting solutions to legal issues in family law cases. This paper explores the alternative dispute resolution methods being utilized in Ontario to resolve family law disputes.

Mediation and Arbitration, "Med-Arb", as an alternative to Court

Mediation of disputes with a skilled mediator, especially one well versed family law, can prove to be an effective approach to resolving family law cases. Mediation is a voluntary dispute resolution option that is encouraged and frequently utilized in family law cases in Canada. If mediation is unsuccessful, rather than proceeding with litigation, the parties may choose to proceed to arbitration with an adjudicator making a final determination of the issues in dispute, instead of a judge in the court system. The arbitrator is a highly skilled member of the bar and has specialized knowledge of family law, whereas family judges may vary in their expertise. Depending on their specific

court, judges they may deal with civil and criminal cases along with family law matters in their jurisdiction. Both mediation and arbitration are, therefore, attractive dispute resolution alternatives in the family law context.

Arbitration, like mediation, requires both parties to voluntarily consent to participate in the process and sign a binding agreement. The family arbitration agreement is in writing and confirms that the arbitrator has had the appropriate training as approved by the government.[1] The arbitration agreement specifies the nature and list of issues submitted for arbitration so that it is clear what needs to be determined by the arbitrator. The agreement also stipulates the law under which the arbitration is being conducted and details how the arbitration award can be appealed and on what grounds (i.e., question of law, fact or mixed law and fact). Both parties must receive independent legal advice and certify they have done so in the arbitration agreement. To offer the proper protection to both parties, the arbitrator must also certify that the parties have both been screened for intimate partner violence/power imbalances, and that the arbitrator has considered the screening report before starting the arbitration.[2]

To promote efficiency, Canada has developed a system of combined mediation and arbitration, i.e., “med-arb”, where one person can be retained as both the mediator and the arbitrator. This is a hybrid two stage approach to dispute resolution. The mediation step is a necessary precursor to arbitration and cannot be skipped. If the mediation cannot resolve the dispute, the mediator-arbitrator can make binding decisions in arbitration. Parties can choose between two models, with either one-neutral, where one

[1] Ministry of the Attorney General (MAG), “ Deciding to Arbitrate”, online: MAG- Family Justice – Family Arbitration <https://www.attorneygeneral.jus.gov.on.ca/english/family/arbitration/deciding.php>.
[2] *Ibid*. *Arbitration Act, 1991*, S.O. 1991, c. 17, see O. Reg. 134/07: Family Arbitration, s. 2(4).

person is retained as both the mediator and arbitrator, or alternatively, with two-neutrals, where one person retained as the mediator and a second person is retained as the arbitrator.[3] Either way, the combined med-arb system streamlines the dispute resolution process considerably. The ADR process is, therefore, adaptable to each case.

Benefits and Drawbacks of the Med-Arb Process

The main benefit behind mediation and arbitration is if the same "neutral" individual will conduct both the mediation and then the arbitration if necessary, the parties save time and money by avoiding starting two separate processes with an adjudicator who would need re-learn the facts of the case relevant to the issues in dispute.[4] Using a med-arb process in family law disputes ensures that the mediator-arbitrator possesses specialized knowledge and expertise of the unique issues relevant to family law and will develop full knowledge and familiarity with the parties and the issues in dispute. He or she can then easily transition to an arbitrator role if the parties cannot resolve the issues in the mediation phase, shortening the dispute resolution process.

The med-arb process has become much more widely used in recent years, especially in family law, largely due to lawyers seeking to be innovative to find the best process to achieve the best outcome for their clients in a speedy, cost-effective, and practical

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[3] Colm Brannigan & Connor Brannigan, "Med-Arb – The Third Alternative" (February 28, 2020), online: ADRIC <https://adric.ca/adr-perspectives/med-arb-the-third-alternative/>. A third option is the "opt-out model" where one person is initially appointed as mediator and arbitrator, but a second person is in place as an alternate arbitration if the opt-out is triggered. Either party can opt-out of the mediator continuing as arbitrator at the end of the mediation phase, without giving any specific reasons and the mediator can also opt-out.

[4] Anita Balakrishnan, "Canada is among the first to countries to release guidelines for combining mediation and arbitration" (22 January 2020), online: Law Times News <https://www.lawtimesnews.com/practice-areas/adr/canada-is-among-the-first-to-countries-to-release-guidelines-for-combining-mediation-and-arbitration/325315> and online: ADRIC (24 January 2020) < https://adric.ca/news/canada-is-among-the-first-countries-to-release-guidelines-for-combining-mediation-and-arbitration/>.

manner. Med-Arb offers parties a flexible approach, different opportunities and procedures to narrow issues in dispute to craft the process and maximize the potential for resolving their disputes, while avoiding the cost and toll of litigation.[5] A notable characteristic of med-arb is that "it dramatically increases the clout of the mediator", and "it gives the mediator/arbitrator a 'hammer', meaning "[e]ither the parties accept his or her recommended settlement or they will likely be worse off because the same person who is telling them they should settle will adjudicate the dispute. It increases the likelihood of settlement at mediation."[6] Parties can agree to utilize this process in advance and choose to incorporate med-arb provisions into separation agreements, whereby they can agree to resolve any disputes arising from their agreement, such as agreeing to a review of the support provisions by way of mediation-arbitration. In doing so, they can name the mediator-arbitrator, as well as an alternate if that person is not willing to act, in advance. This offers parties reassurance that they have a set process in place for dispute resolution should negotiation not be effective without having to resort to the court system.

The drawbacks to the combined med-arb process are primarily rooted in the unique challenges practitioners face in exercising their combined role, as they move from their role as mediator to their role as arbitrator rather than having a neutral third party step in to arbitrate the dispute. If one practitioner handles both processes, there is a risk that the arbitrator's mind may be contaminated by the information obtained through a closed

[5] Elizabeth Raymer, "The Med Arb Option" (29 November 2019), online: L'Expert <https://lexpert.ca/article/the-med-arb-option/> & online: ADRIC (24 January 2020) <https://adric.ca/news/the-med-arb-option/>.
[6] *Ibid*., quoting Linda Rothstein, a litigation partner at Paliare Roland Rosenberg Rothstein LLP in Toronto, Canada.

(without prejudice) mediation process. The parties' positions and evidence disclosed for the purposes of mediation on an apparently without prejudice basis would then be available to the same individual serving as the arbitrator, possibly tainting their understanding of the case based on what they gleaned from the mediation. This presents a potential threat to an arbitrator's impartiality, given the mixing of information from mediation, which may undermine due process. The arbitrator will have knowledge of the disclosure made in mediation, including potential offers rather than just the evidence presented in arbitration.[7] Knowing this, the parties may be wary of how this information may later be potentially used against them in the arbitration process and as a result, they may be less forthright in the mediation process and full candor may be lost. [8] This is particularly so in family law disputes, given the gravity of serious allegations on impacting decisions around decision making and financial proposals in terms of property and support negotiations.

New Guidelines for Mediation-Arbitration

The med-arb process has been used in Canada in a variety of legal areas but without a specified framework. This is now changing. According to the ADR Institute of Canada ("ADRIC"), Canada will now be the one of the first countries to release guidelines for combining mediation and arbitration and is launching a new designation for Mediator

[7] Elizabeth Raymer, "The Med Arb Option" (29 November 2019), online: L'Expert <https://lexpert.ca/article/the-med-arb-option/> & online: ADRIC (January 24, 2020) <https://adric.ca/news/the-med-arb-option/>.
[8] Lauren Tomasich, Sarah Firestone and Eric Morgan, "Two Hats, or Not Two Hats?" (17 December 2019), online: Osler < https://www.osler.com/en/resources/regulations/2019/two-hats-or-not-two-hats>. To minimize the drawbacks and maximize the potential of the benefits of med-arb, see Marvin Huberman, "How to…Gain the Greatest Advantage from Med-Arb" (2020), ADR Update Issue 104, Winter-Spring 2020 at pages 4-6, online: ADR Institute of Ontario <https://adr-ontario.ca/wp-content/uploads/2020/03/ADR-Update_Winter2020_Final_2020_.pdf>.

and Arbitrators and a new dispute resolution framework. This announcement came in January 2020. The guidelines, which were approved in December 2019, were in the process of being formalized and in the final polishing stages by the ADR Institute of Canada (ADRIC). [9] In 2018, ADRIC formulated a Med-Arb Working Group to develop Med-Arb Rules / Standards of Practice, Med-Arb Agreement Templates and Med-Arb designation criteria. The working group was made up of skilled Med-Arb experts from across Canada. The goal is to ensure that the Med-Arb Rules are streamlined and practical.[10] The ADRIC will provide a unique Chartered Med-Arbitrator (C. Med-Arb) designation, with clearly defined criteria and a set application process for practitioners to obtain the designation.[11] The C. Med-Arb designation certifies a practitioner's competence, experience and skills specifically in Med-Arb, providing the public with confidence that they can rely on the specific and specialized knowledge and experience of individuals with the designation.[12]

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[9] Anita Balakrishnan, "Canada is among the first to countries to release guidelines for combining mediation and arbitration" (22 January 2020), online: Law Times News <https://www.lawtimesnews.com/practice-areas/adr/canada-is-among-the-first-to-countries-to-release-guidelines-for-combining-mediation-and-arbitration/325315> and online: ADRIC (24 January 2020) < https://adric.ca/news/canada-is-among-the-first-countries-to-release-guidelines-for-combining-mediation-and-arbitration/>.

[10] ADRIC Admin, "ADR Institute of Canada to Launch New Rules, Designation and Templates for 'Med-Arb'" (21 June 2019), in Media Releases, News, online: ADR Institute of Canada < https://adric.ca/news/adr-institute-of-canada-launch-new- rules/>.

[11] ADR Institute of Canada, "NEW: Chartered Med-Arb" (January 2020), online: ADRIC <https://adric.ca/useful-links/professional-designations/chartered-med-arb/>; see "Principles, Criteria, Protocol and Competencies Required for the Designation Chartered Med-Arbitrator, C. Med-Arb" (November 2019), online: ADRIC <http://adric.ca/wp-content/uploads/2020/01/ADRIC_CMed-ARB_Criteria_Nov_2019.pdf> & Chartered Med-Arb application form https://adric.ca/wp-content/uploads/2020/05/ADRIC_CMed_Arb__Application_Form_Final.pdf>.

[12] ADR Institute of Canada, "NEW: Chartered Med-Arb - Statement of Purpose: ADRIC Chartered Med-Arb Designation (C. Med-Arb)" (May 2020), online: ADRIC <https://adric.ca/useful-links/professional-designations/chartered-med-arb/>.

The “med-arb” designation and framework of med-arb rules are amongst the first of their kind in the world, with creators of the guidelines indicating that this has attracted international interest. The rationale behind the guidelines proposed by the ADRIC is to clearly set out a specific pathway for using med-arb to reach a final resolution, so that if mediation is unsuccessful, the parties have clarity in terms of next steps as between litigation and arbitration. The guidelines would therefore offer practitioners set ways to better utilize their combined tools. [13] The med-arb designation would apply to practitioners who can demonstrate the appropriate education and experience.[14]

The ADRIC has sought to learn from regional efforts to incorporate different elements to broaden the impact of med-arb in all of Canada by developing the new framework. The aim is to provide a set of med-arb rules that are streamlined and practical. The ADRIC wants to create a med-arb “eco-system” to manage the med-arb process and formulate a specific professional designation so that parties can select the appropriate professional. Step 1 sets out exactly what is required to be a good practitioner in this area, namely the specific code of ethics and standards to be adhered to. Step 2 defines what the med-arb agreement must look like, namely the terms of engagement in the process. Step 3 is the development of the specific rules for the med-arb process. ADRIC defines how a practitioner should practice, provides templates for agreements, details the roles of mediator and arbitration, and the steps to apply to the process. A dispute may be well suited to the med-arb model and a valuable tool, where there are larger issues to be resolved and a need to do so in a specific timeframe, and where the

[13] *Ibid*.
[14] ADRIC Admin, *“*ADR Institute of Canada to Launch New Rules, Designation and Templates for ‘Med-Arb’” (21 June 2019), in Media Releases, News, online: ADR Institute of Canada <https://adric.ca/news/adr-institute-of-canada-launch-new- rules/>.

dispute may be very costly to litigate. The goal in developing this framework is to use the advantages of both processes, in mediation and arbitration.[15]

The proposed ADRIC med-arb rules seek to offer clarity regarding the dispute resolution process. The goal is for the med-arb process to be affordable and responsive to what the parties want, namely, to fix the problem and determine an outcome if the parties cannot do so on consent. The ADRIC med-arb rules are written so that self-represented parties can clearly understand the procedure. The aim is to meaningfully address the cost of unresolved conflicts and disputes, which is not just monetary, but includes time spent and lost opportunities, and the resulting damage to individuals' lives. The guidelines will seek to facilitate a more speedy, fair and well-designed dispute resolution process that is unique. In implementing the new med-arb guidelines, the ADRIC will serve as a world leader in dispute resolution.[16]

Screening for intimate partner violence and/or abuse, and power imbalances

A critical consideration in determining if a family law case is suitable for either mediation, arbitration, and/or mediation-arbitration is screening for intimate partner violence and/or abuse, and power imbalances. Trained mediators and arbitrators in Canada have screening tools at their disposal which have been developed specifically to ascertain the suitability of a case for mediator, to consider power-imbalances and to assess alternative methods of conducting mediation in a safe and effective manner.

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[15] Elizabeth Raymer, "New framework for Med-Arb to be launched in November" (5 July 2019), online: Canadian Lawyer < https://www.canadianlawyermag.com/practice-areas/adr/new-framework-for-med-arb-to-be-launched-in-november/277307>.

[16] Anita Balakrishnan, "Canada is among the first to countries to release guidelines for combining mediation and arbitration" (22 January 2020), online: Law Times News <https://www.lawtimesnews.com/practice-areas/adr/canada-is-among-the-first-to-countries-to-release-guidelines-for-combining-mediation-and-arbitration/325315>.

Currently, the requirement for screening is mandatory for arbitrators only but screening is regularly used by mediators. In mediation, a variety of methods are used to mitigate against risk, empower parties, and preserve the integrity of the process. This includes using shuttle mediation, where parties are kept in separate caucus rooms and the mediator shuttles between them, not sharing a waiting area, ensuring vulnerable clients are represented by counsel where possible and intervening and ending the process if issues or power disparities arise that would undermine the process and present risk to a party.

The *Arbitration Act, 1991*[17] explicitly requires that the parties be screened separately for power imbalances and domestic violence and a report from the screener be submitted to the arbitrator (or mediator-arbitrator) to consider the results prior to starting the arbitration and throughout the arbitration process. The arbitrator, or a trained third-party professional, interviews the parties separately intimate partner violence and power imbalances, even if they are represented by lawyers. Some lawyers representing a party or providing independent legal advice are properly trained to do the screening, otherwise a third-party screener is engaged. Social workers, psychologists or mental health professionals who are familiar with the family law arbitration system and are properly trained as screeners can conduct the screening. The screener can determine if there are any barriers to participating in the family arbitration process for a party, or advise if the arbitrator should establish specific safeguards to ensure the arbitration process proceeds in a safe way (for instance, ensuring parties are not left alone

[17] O Reg. 134/07: Family Arbitration, s. 2(4) under *Arbitration Act, 1991*, S.O. 1991, c. 17.

together in the same room) or have a safety plan in place.[18] While there is no one-size fits all screening method or prescribed approach, a common tool and which is considered quite comprehensive is the Mediators Assessment of Safety Issues and Concerns (MASIC) test.[19] Screening is critical to a productive and fair dispute resolution process in family law cases.[20]

Additional dispute resolution methods in family law

Alternative dispute resolution methods offer opportunities to integrate creative solutions for challenging disputes. Parties can engage in mediation with lawyers or lawyers with social work training or psychologists to mediate parenting disputes specifically and utilize their specialized expertise to formulate parenting plans. Parenting plans address different facets of the parties' lives, including caring for the children, the residential and holiday schedules, decision making around education, religious observance, cultural traditions, health and well-being, details around extracurricular activities and the involvement of extended family in the children's lives. The use of both legal and mental health professionals may be of significant value when dealing with formulating parenting plans, but the parenting plans need implementation. As such, parenting coordinators offer an essential and valuable service to parents, as does considering counselling and therapeutic options for families in mediation and arbitration, and utilizing early neutral

[18] https://www.attorneygeneral.jus.gov.on.ca/english/family/arbitration/screening.php.
[19] Holtzworth-Munroe, Beck, & Applegate, 2010.
[20] For a summary and analysis of screening tools across sectors, see Pamela Cross, Sara Crann, Kate Mazzuocco & Mavis Morton, "What You Don't Know *Can* Hurt You: The Importance of Family Violence Screening Tools for Family Law Practitioners" (February 2018), prepared by Luke's place for the Department of Justice Canada, online: Department of Justice Canada < https://www.justice.gc.ca/eng/rp-pr/jr/can-peut/p9.html, which finds that the MASIC is the most comprehensive screening tool>.

intervention to evaluate the strengths and weaknesses of one's position by a qualified professional in the ADR context.

Parenting Coordinators

Parties may wish to use a parenting coordinator to implement the terms of their parenting plan to co-parent effectively. Parties first resolve the overall parenting issues, by way of a separation agreement, parenting plan or Court Order. Parties seeking to stay out of court in the long-term, to complement the mediation/arbitration process that produces an agreement/plan dealing with parenting issues, and to have a system in place moving forward, may agree at mediation to name a Parenting Coordinator for a specific term, sign a parenting coordination agreement and provide for secondary arbitration (parenting coordination). The parenting coordinator's role is limited to the original agreement to implement the parenting terms that are already set in place. The Family Dispute Resolution Institute of Ontario (FDRIO)'s Parenting Coordination Section has created Ontario's only professional designation for Parenting Coordinators, the "FDRP PC". This designation is critical because parenting coordination is still relatively new in Ontario and parenting coordinators are not governed by a separate statute or practice direction as in other jurisdictions.[21]

The Parenting Coordination agreement will typically detail the coordinator's role, the objectives and scope of services, as well as the rights and obligations of each parent. The Parenting Coordinator will engage in dispute resolution processes and determine parenting disputes as they arise to make decisions that the parties have to

[21] Family Dispute Resolution Institute of Ontario, "Parenting Coordination" (25 April 2019), online: FDRIO < https://www.fdrio.ca/sections/parenting-coordintation/>.

abide by. This process is especially valuable for high-conflict parents who may encounter difficulties but want to maintain an out of court dispute resolution process. It is also useful for parents of young children who must co-parent for many years. These parents may likely encounter communication issues along the way and can benefit from a third party assisting them to resolve disputes arising from a Court Order or agreement so as to ensure that the terms are implemented and followed in a way that is in the best interests of the child(ren).[22]

Parenting coordinators use both mediation and arbitration skills, which they refer to as "consensus building" and "determination making" respectively, to manage the implementation of parenting plans.[23] The parenting coordinator will focus on a child-centered dispute resolution approach, and implement components of parental education, counselling, mediation and arbitration into the process, by managing and reducing the parental conflict and assisting the family to effectively resolve parenting disputes and co-parent successfully. Parenting coordinators can work with parties to engage in problem solving and resolve communication issues, while incorporating child focused considerations in the dispute resolution process. The parenting coordinator serves to mediate and implement the parenting plan. If an agreement cannot be reached between the parties about a parenting issue, a parenting coordinator can make

[22] *Ibid*.
[23] R. Craig Neville, "Ten Years Later: Parenting Coordination Legislation in British Columbia" (4 July 2018), 76:4 The Advocate 509 at page 509.
In British Columbia, the *Family Law Act,* [SBC 2011] C. 25, Division 3 (FLA) sets out the role and determinations that can be made by parenting coordinators (sections 14-18). The court can order that they be appointed for up to 2 two years (FLA, section 15). The FLA (section 19) sets out when the court can change or set aside a determination by a parenting coordinator, i.e., if the coordinator acted outside his/her authority or made an error of law or of mixed law and fact.

a binding decision about the issue that takes into account the best interest of the child, and may do so on a summary basis for minor issues in dispute.[24]

Therapeutic intervention in mediation-arbitration

A recent development has been the use of therapeutic interventions by the Courts in Ontario. In the case of *A.M. v C.H.*[25] the Ontario Court of Appeal determined that courts can make therapeutic Orders in parenting cases under the authority of the federal *Divorce Act,*[26] the Ontario *Children's Law Reform Act*[27] and the Ontario *Family Law Rules.*[28] The court held that "where parents cannot agree, a court may make orders about almost any aspect of the child's life, including education, religious training, diet, vaccinations, recreation, travel and so on. This includes making an order for counselling or therapy."[29] The court determined that the *Health Care Consent Act*[30] does not limit the court's jurisdiction to make therapeutic orders in the child's best interests in a custody case. In an earlier Ontario Superior Court of Justice decision of *Leelaratna v. Leelaratna,* the court also relied on its power under the federal *Divorce Act* and the provincial *Children's Law Reform Act* to order reunification therapy where the child was alienated from his father during the divorce.[31] The court did not classify the reunification therapy as treatment under the *Health Care Consent Act*, and therefore, it did not require parental consent to make the Order for the reunification therapy.[32]

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[24] Family Dispute Resolution Institute of Ontario, "Parenting Coordination" (25 April 2019), online: FRDRIO < https://www.fdrio.ca/sections/parenting-coordintation/>.
[25] *A.M. v C.H.,* 2019 ONCA 764 at para 49, 50.
[26] *Divorce Act, R.S.C., 1985,* c. 3, ss. 16(1) and 16(6).
[27] *Children's Law Reform Act*, R.S.O. 1990, c. C.12, ss. 28(1) (a), (b) and (c).
[28] *Family Law Rules*, O. Reg. 114/99, r. 17(8)(b).
[29] *A.M. v C.H.,* 2019 ONCA 764 at para. 51.
[30] *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A., s.10.
[31] *Leelaratna v. Leelaratna*, 2018 ONSC 5983 [see para 45].
[32] Parental consent can often be an impediment or a complicating factor in getting therapy set up for a child.

Therapeutic interventions can also form part of the design of mediation and arbitration. Given the broad powers of the courts to order therapeutic intervention with skilled therapists through reunification/reintegration therapy or family therapy, or even specialty counselling for children with special needs (such as autism spectrum disorder), mediators and arbitrators can similarly incorporate therapeutic interventions to address the complex needs of children. Considerations would involve identifying the cause or nature of the family issue and nature of therapeutic intervention, considering proposed therapists and their qualifications, experience and suitability for the family, the parents' desire and willingness to engage in, facilitate the process and encourage the child's participation, as well as the child's willingness (or objection) to do so, the child's level of maturity and the child's age or overall functioning, while also considering if there is a need for any oversight of the therapeutic process by the mediator/arbitrator.[33] Given these factors, tailoring and designing a counselling process as a method or means of seeking to work towards resolving the complex parenting issues can be a powerful tool for families in mediation and arbitration of family law disputes.

Early Neutral Intervention and Parenting Disputes

In Early Neutral Evaluation (ENE), a skilled evaluator helps the parties focus on issues of fact and law in their case and provides an assessment of the merits as to what the likely result would be early on in the case, so as to facilitate a resolution within a range of possible outcomes. In family law, ENE has been adopted to deal with parenting issues to address the delay and expense of a full custody and access assessment,

[33] Based on Justice Julie Audet, "Court Ordered Therapeutic Counselling" (presentation delivered at *The Six Minute Family Lawyer* CPD program at the Law Society of Ontario, Toronto, Canada, 2 December 2019).

which can cost several thousand and take many months and sometimes a year to complete.[34] In the context of parenting disputes, parties can engage with a child development/mental health professional to conduct the ENE and offer his or her take on parenting issues, like a mini parenting assessment. The professional evaluator's opinion can then be incorporated into the parenting mediation process to settle the relevant issues in dispute. For financial issues, ENE can involve both lawyers and accountants as evaluators, which streamlines and speeds up the process of analyzing the financial issues.[35] In Canada, ENE has been applied in Manitoba through "First Choice", a free service offered by Manitoba's Family Conciliation Services, to families going through separation and divorce to deal with parenting issues by utilizing evaluators, who are mental health/child development specialists, combining assessment and mediation to reduce the number of full custody/access assessments.[36] It is the subject of further exploration in terms of its application in other provinces and territories in Canada.[37] It may be a powerful and useful alternative dispute resolution tool for more widespread use in family law cases in Ontario.

This paper examined some of the new ways that ADR is being used in family law in Ontario. These methods will likely continue evolving and expanding. With the introduction of the new med-arb rules in Canada and the promotion of a streamlined

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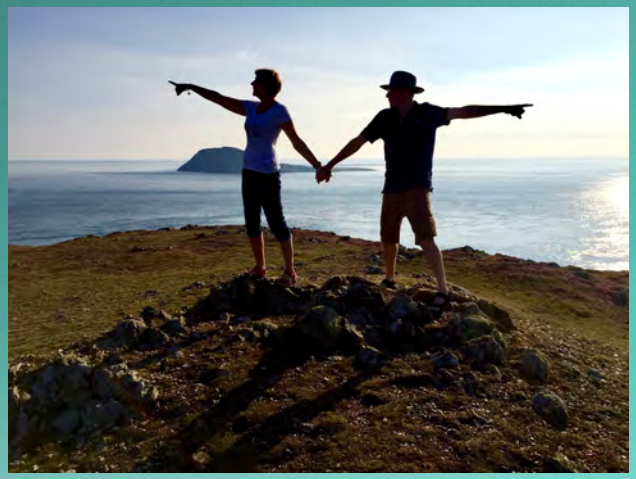
[34] Erin Shaw, "Exploring Early Neutral Evaluation in Family Cases" (28 April 2014), prepared for the Law Foundation of British Columbia, online: Erin Shaw Family Law <https://erinshawfamilylaw.ca/wp-content/uploads/Exploring-ENE-in-Family-Cases-Final-April-28.pdf> at page 13.
[35] *Ibid*. at page 16.
[36] *Ibid*. at page 9.
[37] See Joanne E. Paetsch & John Paul E. Boyd, "An International Review of Early Neutral Evaluation Programs and Their Use in Family Law Disputes in Alberta" (October 2016), Canadian Research Institute for Law and Family, online: Access to Justice Research Network (AJRN) <https://ajrndotco.files.wordpress.com/2016/10/crilf-early-neutral-evaluation-processes-in-alberta-paetsch-boyd-2016-1.pdf>, see pages 32 to 38 regarding the benefits of ENE, and recommendations for Alberta.

dispute resolution process, parties may be even more likely to use of ADR as an alternative to family court. This may result in more frequent use of parenting coordinators, therapeutic solutions, the ENE process, and other unique dispute resolution mechanisms for families to resolve disputes and implement their agreements long-term. A greater reliance on ADR in family may offer practitioners greater opportunities for innovation and creativity to resolve disputes within the mediation and arbitration process.

Conscious Uncoupling



Victoria Rose
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"Oslo"
3rd June 2020

Conscious Uncoupling:
5 Steps to Living Happily *Even* After

Created by Katherine Woodward Thomas, MA, MFT

Step One: Find Emotional Freedom
Step Two: Reclaim Your Power and Your Life
Step Three: Break the Pattern, Heal Your Heart
Step Four: Become a Love Alchemist
Step Five: Create Your Happily *Even* After Life

Intention: To evolve beyond the "Source Fracture Story"; surmount, defy and even triumph over the unconscious, primitive and biologically based impulses we may have to lash out, punish, get revenge, and / or otherwise hurt the one by whom we feel hurt.

What is Conscious Uncoupling?

A Breakup or Divorce which

- is characterised by a tremendous amount of goodwill, generosity and respect
- minimises emotional damage to the individual, the other party, and any children involved
- seeks to create a new agreement / structure designed to set everyone up to move forward

What is the outcome for the client?

Evolve beyond the "Source Fracture" Story by identifying

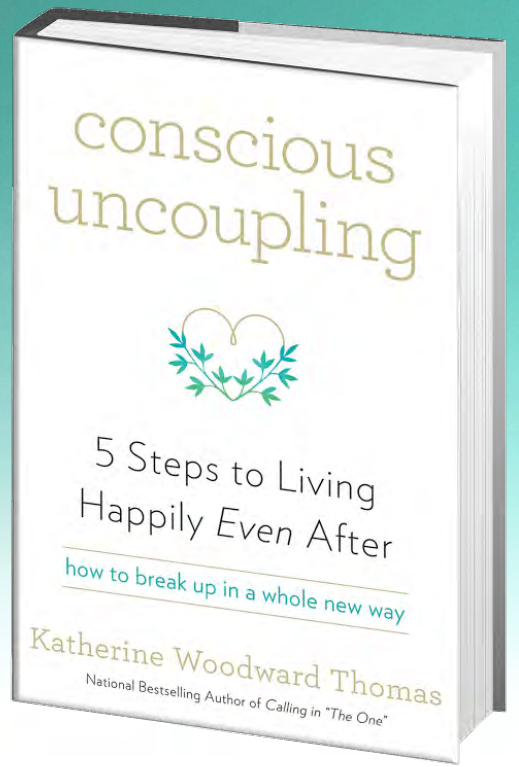
- The Source Fracture Story: What meanings are being made about yourself and others?
- What is really true? Challenge the Story
- Old ways of relating that have generated and perpetuated the Story
- New ways of relating aligned with the deeper truth
- New skills & capacities to "Live the New Story"

"Time does not heal all wounds. We do."
Katherine Woodward Thomas

What are the key interventions by a Conscious Uncoupling Coach?

- Facilitates setting an intention for a positive future
- Encourages self responsibility without blame or shame
- Inspires generosity
- Supports a conscious completion of the relationship (acknowledgement, appreciation, amends)
- Motivates the client to create new healthy agreements

Conscious Uncoupling:
5 Steps to Living Happily *Even* After



By *New York Times* Bestselling Author
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What exactly does Holistic Law Practice mean for lawyers?

A holistic approach to lawyering is, in my view, about balancing the body, mind and soul. Every human being has a so-called soul task which implies that on the one hand you ask for help and that on the other hand you are also able to provide the requested help, resulting in finding a balance within which each soul is entitled to choose his or her own path. The balance experienced by the client and the professional is experienced by them on a deeper level and is based on respect for their true nature and their soul without losing the earthly aspect in the process.

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

We are living in a time where the current legal practice (and development of society) can go two ways. Either you look at it from a holistic concept of man or from a mainstream concept of man. The holistic concept of man is not yet recognized very often.
I myself consider the holistic concept of man at least as important as the mainstream concept of man. Without the holistic portrayal, the mainstream concept of man appears to me as rather meagre and incomplete.

Because I have gone more deeply into both concepts, I have discovered that these concepts have aspects in common and that they complement each other well. I went to England to receive training at the Arthur Findley College (Stansted) to become a medium – and a year thereafter to become a spiritual leader, inspired by my interest as a child for the occult, for God with whom I had conversations on a daily basis and deceased souls appearing in my dreams. They were just part of my childhood. This was not understood by my social environment when I was young. Negative feedback was the cause that this spiritual little girl locked herself up in a tiny cellar and decided to stay there until after decades I found the courage to "come out". I became a lawyer, an entrepreneur and mediator. I got married and had three beautiful children to whom I unconsciously passed on my wings.

In my world of work I could not say in public either that my feelings for energy and flows formed an integral part of my work; that my meditations gave me so much insight that it happened frequently that I did not need to ask any questions. In the society in which we live, both worlds feel often threatened by one another but there is no need for that at all. They can perfectly exist together and there is no need to change. By simply appreciating that there are different people having different wishes, which applies also to clients or professionals, we can join forces for a common purpose. Bringing these two worlds together became my mission.

I have experienced that both worlds are not complete when dealing with the information about the judicial system and the few procedural possibilities. I am convinced that in this world we need one another to support each other in our views and the help we as assistance providers want to give to clients and to persons seeking justice, with a view to working towards an overall picture without losing the soul part on the way.
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 favour of the other and that I will pursue to combine these two worlds which sometimes are so totally different.

During one of my visits to the USA I learned about spiritual divorce, about another way of looking, and about integrating this approach in your law practice. I was already doing that 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. Since 2015 I have changed course. I thought: get aligned with your values! Or, act on your own values, also in the manner in which you pursue your profession. The way you present and show these values in your legal work.
This means that, since I made this decision, I tell to everyone who cares to listen that I am willing to look at various solutions and to examine several possibilities without forming an opinion about it. For years and years I have studied the different views of people who had very nice ideas and I have put these instruments in my rucksack. These ideas are about NLP, systemic work, mindfulness, the healing journey of Brandon Bays and the philosophy of Joseph Brenner based on his booklet My Impersonal Self. But, it is of course also about all kinds of skills from communication science, psychology, intervision and my life story. Eventually, I have brought these together under the name holistic law.
Holistic Law is not a way to tell people what they have to do. The holistic approach goes just a small step further or deeper compared to the mainstream legal practice and it does help the soul to find its own path. Therefore, I provide clients and professionals with possibilities and options to look further and to encourage their personal development in the case of resolving conflicts. Not by pushing clients in a certain direction but by trying together with the client to find possibilities which suit their conflict in order to offer them the proper channels for the best possible solution of the conflict, in keeping with their wishes and interests. The aim is that both parties are happy, which can be achieved through mediation, via collaborative practice, by engaging external experts, but forms such as restorative justice and therapeutic jurisprudence, whereby you consider the impact of the process on emotions, are also forms of holistic law. On the other hand, the role of the professional is examined in more detail as well. Reflection and self-awareness play an important part therein. What is my added value? Do I take proper care of my own body, and how do I feel about my well-being?

Holistic law cannot be pigeonholed. My objective is not to lay down a perfect manner of practising law, it only provides a possibility to obtain information on a broader level. The aim is to work with clients and professionals who wish to learn an independent manner of thinking, with a wider outlook and who dare to take on responsibility for their own actions. I do this by making them aware of the impact of the conflict and the world of the persons concerned on the basis of a holistic concept of man.

For that reason holistic law is a form of professional practice where no fixed route is prescribed. The aim is to add the heart to the legal practice. Lawyers with compassion. Working together creates the new win-win situation. Anyone can contribute.

It all starts with the combination of soul, mind and body. What do I wish to promote as a professional? What gives me energy? When I feel that my life is in balance I am better able to help my clients. Silence is the source of my strength. Connection and compassion are my driving forces.

What is the purpose and how new is all this actually?

I have described the objective hereinabove: to consider the problem as a whole. To see a human being as a whole and as a result the problems are also approached and solved as a whole. How new is this? As early as the beginning of the eighties, new movements arose, pioneers who started to practise their profession on a more broadly-based level by adding the heart. Mediation and collaborative divorce were one of the first alternative forms fitting within the holistic law spectrum. The International Alliance for Holistic Lawyers (IAHL) was founded by Bill van Zyverden, a lawyer from Vermont, USA, who claimed to be the first holistic lawyer. His movement was picked up by J Kim Wright, who from 2011 onwards continued the IAHL (which then faded away) in her Cutting Edge Law movement. While Bill and his hippie-like friends saw holistic law as an intellectual challenge, limited to only a mere handful of selected persons, Kim Wright realized that this movement should be rolled out on a large scale. The entire law practice would benefit from it, according to her. She went on a tour, sold her house and travelled the world for years looking for pioneers engaged in a form of holistic law in their own field of expertise. She called these lawyers peacemakers because they all counselled their clients on the basis of a fundamentally positive attitude. Battles and dualism belong to the past. Working together and connection were the central theme in this way of practising law.

In 2015, I ran into Kim. Since then, I have met her and spoken with her several times; she really is a figurehead for the Integrative Law Movement, a movement supporting the holistic approach. All this is still very new in the Netherlands, although I do observe that there are already very many people who are interested in holistic law. It is my objective to set a holistic law movement in motion in the Netherlands.

Why is this new approach as a subject more topical now than ever before?

Each character of an era shows movements of systems which at the beginning seem to work very well and which fit within the spirit of the times, but which become outdated after reaching their peeks. These are as it were wave-like motions. People working within that system notice that some parts become outdated and start looking for new avenues. This happens also within our legal system. With the arrival of IT and Google, knowledge has become a commodity. People can find everything on the web. At the same time there is a need for more compassion and empathy within the legal system. While the Romans did not give the psyche an important part to play within the law, and only provided the concepts of right or wrong, we see that solutions are now more and more frequently looked for in the grey area of reasonableness. In addition, top-down decisions sink in less well than agreements made by the people themselves.

And the role of the lawyer is also 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, whereas this used to be the case in the past. Pioneers started to develop new forms. Clients pick this up and like the idea. They want a lawyer who listens to them, who treats them as a human being and who takes the time to solve the entire problem instead of just a tiny link in the conflict. Lawyers are starting to communicate more. In addition, they understand that a sedentary profession is not good for their health, they work at bike desks, flexible from home or with their laptops placed on their laps in the garden since everyone can always and independent from time and place be reached via mail and social media. The new approach of holistic law is therefore more topical than ever before, since both professionals and clients have a need for a lawyer who take a constructive approach, has a fundamentally positive attitude and does not immediately apply all available legal means. They want a trusted adviser who is able to connect the heart with the head. Taking the victim into consideration and also the distress which has been caused instead of focussing on punishment of the offender. Making a connection between the divorcing parents with a view to a good care plan for the children. Just like Community Care through personal attention for the elderly who need help appears to be a success formula, both for the client and for the district nurse, I expect that holistic practice will also produce a positive and strong effect on both sides; for the professional carries out his work in a manner which feels good for him or her, while the client receives the personal attention in addition to the legal advice.

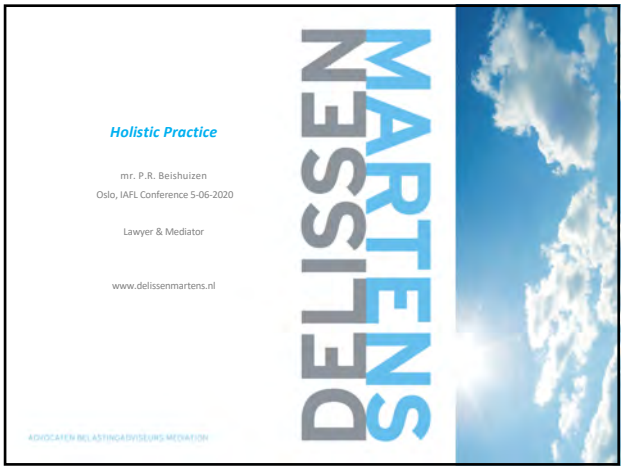
Do you see yourself as a 'problem solver' workwise?

I do consider myself absolutely as a problem solver in terms of my work. I provide people with the help they ask from me but I also add something, based on my experiences as a professional and as a human being. By adopting a vulnerable attitude and by being open to people I notice that my assistance is received better. By being open and approachable it appears that we jointly buckle down to the problem, that we work as a team to which everyone contributes. People take me into their confidence about anything and everything. It has happened that I found someone a job or a new au-pair. I have travelled to Asia to provide mediation services because the persons could not come to me. I adjust myself to the request for assistance because it involves providing a new foundation which leads to the solution. And the other way round, I have also noticed that in the past years people have treated me in a very accommodating and understanding manner. When in 2014 I was forced to work from home for a while due to a serious ski accident, we had mediation sessions on the sofa in my home. It is always a matter of the intention and the integrity with which you conduct the case and the efforts aimed at placing a new dot on the horizon.

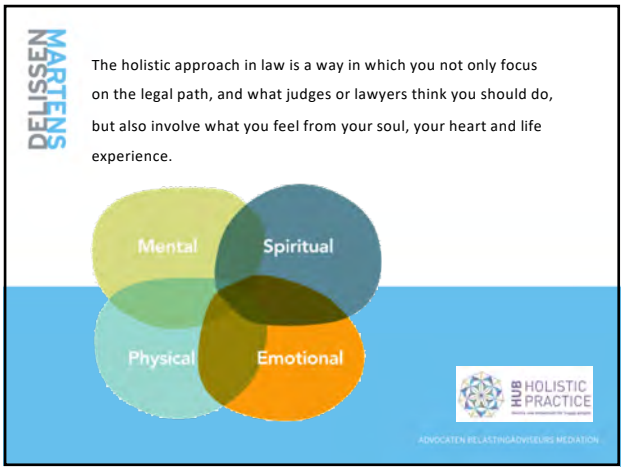
How does a Holistic Practitioner look at a problem and – independently of the law - what can we learn from that?

The Holistic Practitioner takes an umbrella approach to the various aspects of the problem. What is the reason that the party on one side of the dispute is in a hurry to finalize the process and that the party on the other side is only stalling for time?

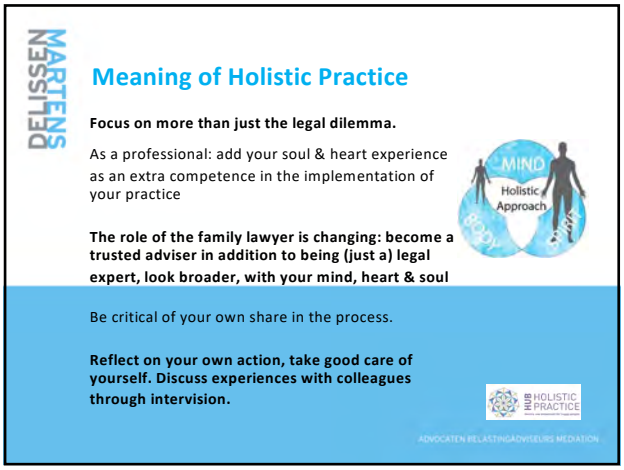
Looked at from the grief cycle of Kübler-Ross, it is understandable that the apathetic client is still so emotionally affected that he is not able to move. If you explain it further, it allows for a better understanding on the part of the client. Why am I so tired, a client says, I have no energy left at all. The impact of conducting legal proceedings is often underestimated. Buy a nice folder and store all the documents in it. Look at the documents only once a week and put the folder away. Set limits and tidy up. Don't do everything at once. It will usually work better if you consider the emotional undercurrents first before you start assessing the substantive side of the problem. The resistance that you encounter is caused by emotion. So, just start trying to distinguish various layers or roles. Are you an angry ex-partner or a disappointed mother? Take some Coca Cola and Fanta tins that are on the table and show what your family of origin looks like. Where do you place your mother, and where is the place of your father? And the children... There are so many nice techniques you can use when you counsel people who are having conflicts. Recently, I have had a meditation session with 18 lawyers, for 11 minutes. That was so empowering!! If you ask yourself the question whether you pursue your profession in a manner which is in keeping with your most important values, where will you end up? Once in a while we should be brash enough to jump. I have had the nerve to do so a few times in my life and indeed.. it was very scary. But the choices I have made instinctively have always benefited me. I continue to be amazed, every single day, and am very curious about other lines of approach. We can all learn from each other. Ultimately, we are all connected. So, if I can do anything that is good for a client, it may eventually also be beneficial for you. My work is motivated by love and compassion and it gives me a wonderful feeling. Fighting makes me feel tired. You make your own choices. *You can make the change!*


Holistic Practice
mr. P.R. Beishuizen
Oslo, IAFL Conference 5-06-2020
Lawyer & Mediator
www.delissenmartens.nl
DELISSEN MARTENS
ADVOCATEN BELASTINGADVISEURS MEDIATION

1


DELISSEN MARTENS
The holistic approach in law is a way in which you not only focus on the legal path, and what judges or lawyers think you should do, but also involve what you feel from your soul, your heart and life experience.
Mental
Spiritual
Physical
Emotional
HUB HOLISTIC PRACTICE
ADVOCATEN BELASTINGADVISEURS MEDIATION

2


DELISSEN MARTENS
Meaning of Holistic Practice
Focus on more than just the legal dilemma.
As a professional: add your soul & heart experience as an extra competence in the implementation of your practice
MIND
Holistic Approach
Body
Soul
The role of the family lawyer is changing: become a trusted adviser in addition to being (just a) legal expert, look broader, with your mind, heart & soul
Be critical of your own share in the process.
Reflect on your own action, take good care of yourself. Discuss experiences with colleagues through intervision.
HUB HOLISTIC PRACTICE
ADVOCATEN BELASTINGADVISEURS MEDIATION

3

The holistic approach in family law

Integrative approach

Always ask your questions within the context of these four topics

Legal Conflict (mind):
Underlying issues related to body, emotions & soul

4

Human conflicts are not solely legal problems. They are conflicts that come across the many dimensions in which conflict impacts the lives of people experiencing it.

When people are in a divorce battle they have no or less energy for:

1. Their children, family, friends (less positive energy, less patience)
2. They are exhausted and therefore not performing as well as they did at work, they have less focus, stay at home tired
3. They do less work for other institutions like the church, soccerclub of their kids etc, because of lack of energy to give their energy to others
4. They have more health problems because of stress, financial worries, fear for the future (what will happen to me, will I lose everything)

This has a hugh impact on society

5

Traditional Model drives people apart

What do lawyers tell clients in a traditional model:

1. Speak to nobody
2. Admit nothing
3. Give away nothing
4. Don't talk to anybody (let me the lawyer do the talking, I will handle it)

What happens is a defensive posture in the law suit: the injured wife or man is injured again by this procedure. By the legal system.

This is an exhausting process: adversarial litigation harms people to reconfigure their relationships in a healthy way

6

Role of the Lawyer in the traditional tournament system:

Aggresive
Snake-way behaviour
Winning is the goal
Collecting arguments to overrule the other party
Try to bring the other party down to the floor

Effect: the entire system becomes more primitive in stead of constructive

Instant stress causes health issues by people who are involved in litigation processes, and also to their children, family-members who receive that negative energy

7

What happens to the Lawyer himself in the traditional tournament system:

1. Trauma experience, pressure, stress
2. Not acknowledged risk on the mental health
3. Higher burn-out risk
4. No/less time for taking care of himself
5. Depression

Towards Trauma-Informed Legal Practice: A Review
Dr. Colin G. James (2020): Towards trauma-informed legal practice: a review, Psychiatry, Psychology and Law, DOI: 10.1080/13218719.2020.1719377
Posted: 23 Jan 2020 Last revised: 13 Feb 2020, ANU College of Law

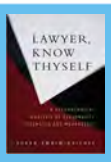
Canberra, Australia National University

8

The Comprehensive Law Movement according to Susan Daicoff

1990 : vectors, individual initiatives and new perspectives applied within the legal system

Objective: in addition to being legally focused on feeling and perception of the conflict -> better results, a broader solution, and maintaining relationships



Result: "overall feeling of well-being"

9

Holistic Practice: also for the benefit of the lawyer

The book of Susan Swaim Daicoff: Lawyers know thyself gives a warning

"Few people, whether lawyers or non lawyers appear to be satisfied with the law, the legal profession or the American legal system in general.

- **Negative attitudes towards lawyers**
- **About 1 in 5 lawyers is somewhat or very dissatisfied with his job**
- **Lawyers distress data is even more depressing then the job satisfaction research, they experience twice as much depression, alcoholism and other psychological problems then the general population does**
- **Depressions occur at least twice as frequently vs general adults population**

SUCH LEVELS OF DISTRESS IS INTOLERABLE TO LAWYERS, TO THE PROFESSION AND TO THE CLIENTS WE SERVE

10

New perspectives within legal practice

Humanizing Legal Education (1980's)
Lawyers as Healers (1984, Justice Berger)
Collaborative Law (first appeared 1991)
International Alliance of Holistic Lawyers (1991)
Restorative Justice (1991 first conference)
Therapeutic Jurisprudence (mid 90's)
Mediation (mid 90's)

11

Red Door/ Green Door

A Holistic Practice is for environmentally conscious or "green" lawyers of the 21st century, since being lawyers they consider all aspects of man and nature and are problem solvers. So, when there are conflicts, they will find solutions at all levels in a creative manner; if necessary, they will seek the advice of professionals from other disciplines – as long as it leads to constructive improvements.

www.holisticpracticehub.nl

12

Red Door/ Green Door

The old way of working has been exhausted. The route of the red door. Literally and figuratively: legal experts get burned-out due to the adversary culture and intimidation practices. Furthermore, the legal system overheats. Nobody wants that anymore. Work together. Be creative.

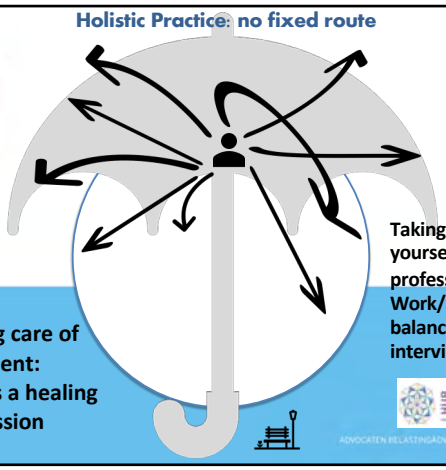
"There will be no battle, we will not go to court if not needed and we think in terms of respect and compassion."

www.holisticpracticehub.nl

Compassion, not intimidation

13

Holistic Practice: no fixed route



Taking care of yourself as a professional: Work/life balance, intervision

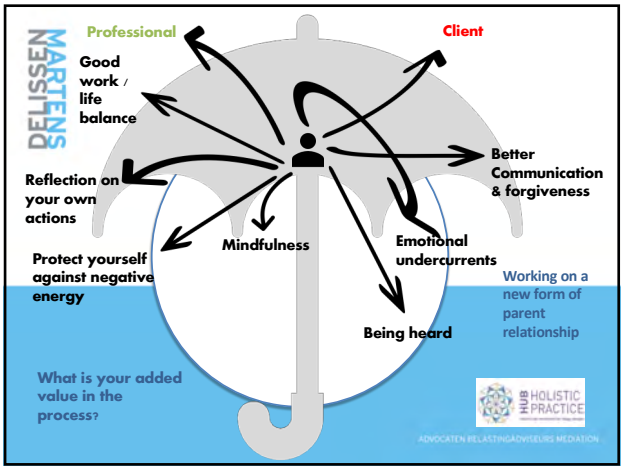
Taking care of the client: law as a healing profession

14

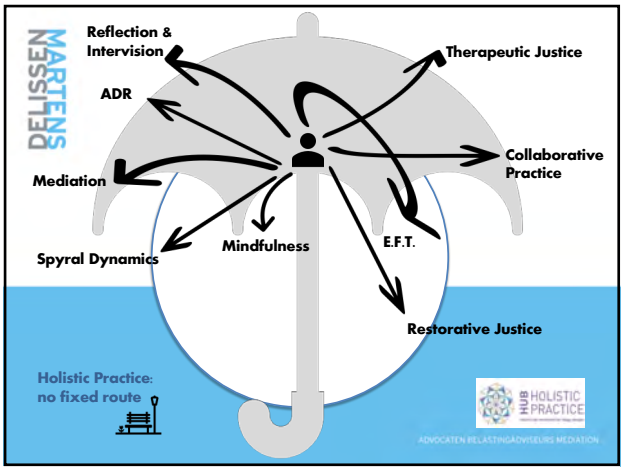
Why is it that when we become a lawyer, so many of us drift further and further away from our own deepest moral and spiritual self to the point that we are no longer open or see that our clients actually desire love, compassion and forgiveness, let alone that we lawyers still practice in ways that can focus attention on those needs?

What happens to us in law school and on the job that wreaks such harm to our mental health?.... Says Pauline Tesler from ILI

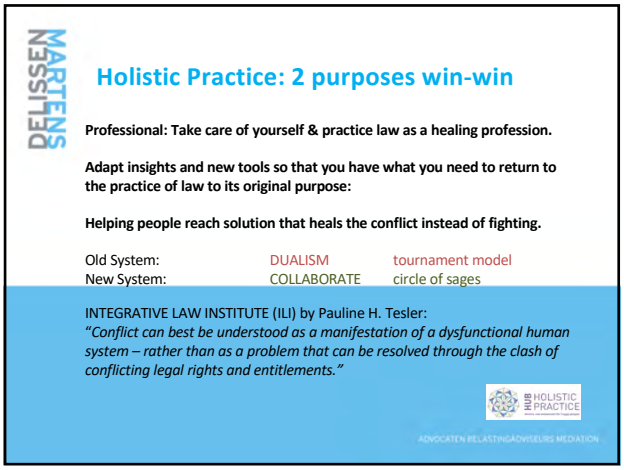
15


DELISSEN MARTENS
Professional
Client
Good work / life balance
Better Communication & forgiveness
Reflection on your own actions
Mindfulness
Emotional undercurrents
Protect yourself against negative energy
Working on a new form of parent relationship
Being heard
What is your added value in the process?
HUB HOLISTIC PRACTICE

16


DELISSEN MARTENS
Reflection & Intervision
Therapeutic Justice
ADR
Collaborative Practice
Mediation
Mindfulness
E.F.T.
Spyral Dynamics
Restorative Justice
Holistic Practice: no fixed route
HUB HOLISTIC PRACTICE

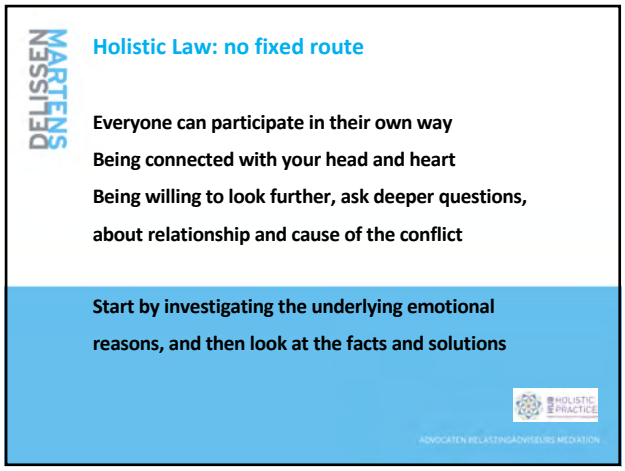
17


DELISSEN MARTENS
Holistic Practice: 2 purposes win-win
Professional: Take care of yourself & practice law as a healing profession.
Adapt insights and new tools so that you have what you need to return to the practice of law to its original purpose:
Helping people reach solution that heals the conflict instead of fighting.
Old System: DUALISM tournament model
New System: COLLABORATE circle of sages
INTEGRATIVE LAW INSTITUTE (ILI) by Pauline H. Tesler:
"Conflict can best be understood as a manifestation of a dysfunctional human system – rather than as a problem that can be resolved through the clash of conflicting legal rights and entitlements."
HUB HOLISTIC PRACTICE

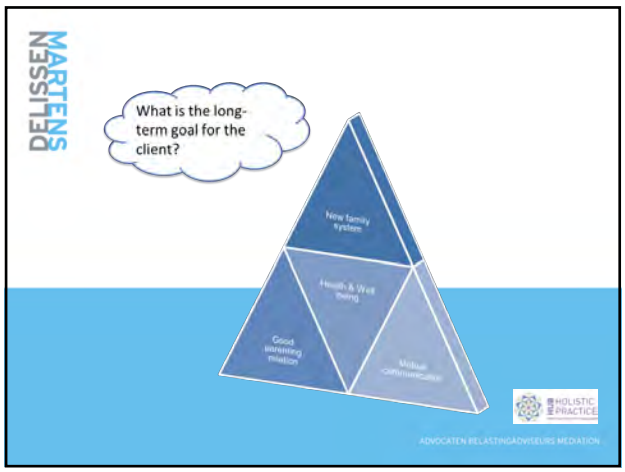
18


DELISSEN MARTENS
HOLISTIC PRACTICE
Meeting J. KIM WRIGHT in Amsterdam 2015
https://www.youtube.com/watch?v=zLyw1u_nSL8
ADVOCATEN RELATIEBEMIDDELAARS MEDIATION

19


DELISSEN MARTENS
Holistic Law: no fixed route
Everyone can participate in their own way
Being connected with your head and heart
Being willing to look further, ask deeper questions, about relationship and cause of the conflict
Start by investigating the underlying emotional reasons, and then look at the facts and solutions
HOLISTIC PRACTICE
ADVOCATEN RELATIEBEMIDDELAARS MEDIATION

20


DELISSEN MARTENS
What is the long-term goal for the client?
New family system
Health & Well being
Good parenting relation
Mutual communication
HOLISTIC PRACTICE
ADVOCATEN RELATIEBEMIDDELAARS MEDIATION

21

The PARADIGMA SHIFT

Make a shift in the framework of your beliefs, how you see the world (read: the world as a system), in this case from behind your (legal) glasses and mind-set

The shift in the legal system is only a small radar within the larger system in which we live.

Old System: **DUALISM**

New System: **COLLABORATE**

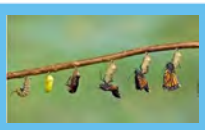
Transforming the Law One Day at a Time by
Practicing From the Heart
Aligning with your purpose and values
…….

22

Why Holistic Law, how then?

From dualism to collaboration:

Resolve the conflict faster and better by looking at the entire problem and investigating the benefits for the entire team:
1. Sustainable decisions / sustainable law
2. Save time and money
3. Eye for relationship and communication



A caterpillar has a small world compared to a butterfly; how do I get a bigger world as a person to develop?

23

New role, different skills

24

The systemic approach in family law

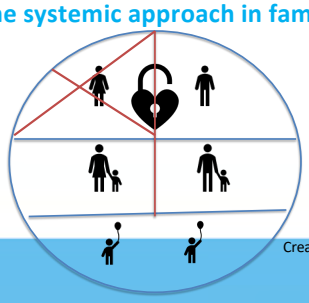
Partner vs Partner (1):
Start with the emotional undercurrents
Discuss the divorce decree, the underlying fractions

Parent vs Parent:
How do you want to deal with each other in the future?
Creating two new family systems

Partner vs Partner (2):
Property-related settlement of the divorce
Confirm the agreements

25

The systemic approach in family law



Partner vs Partner (1)

Parent vs Parent

Create two new family systems

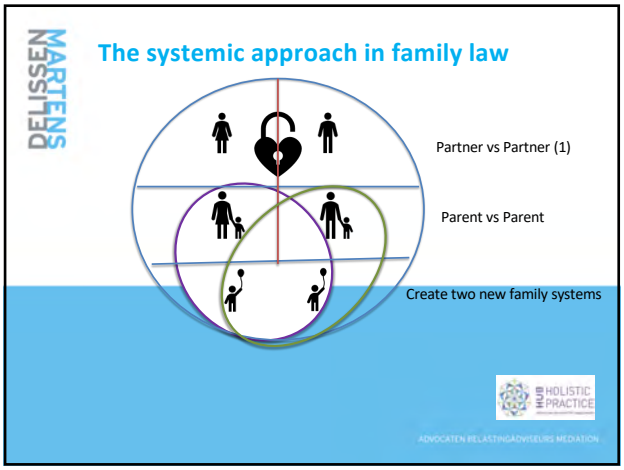
Does the other person understand and accept the divorce decree? Refer to the process of grieving. Mark this part well before you go to parenthood.

26

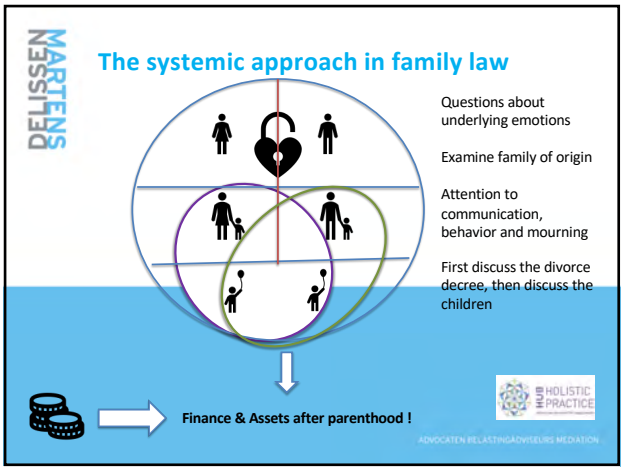
The systemic approach in family law

The person who makes the decision is mostly further in the process than the person who hears the decision. Therefore he/she is lagging behind and needs more time.

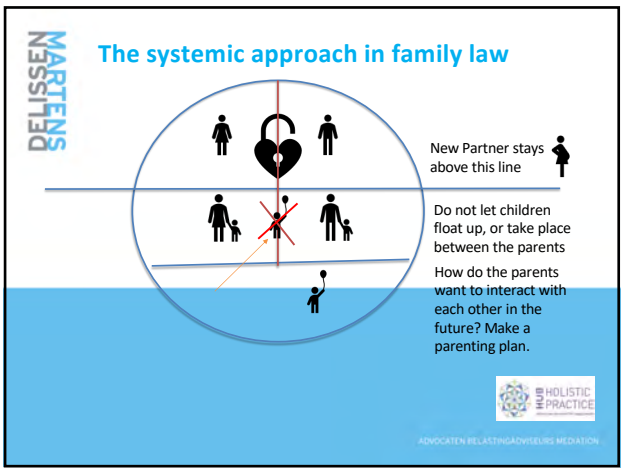
27


DELISSEN MARTENS
The systemic approach in family law
Partner vs Partner (1)
Parent vs Parent
Create two new family systems
HUB HOLISTIC PRACTICE
ADVOCATEN RELAASTINGADVISEURS MEDIATION

28

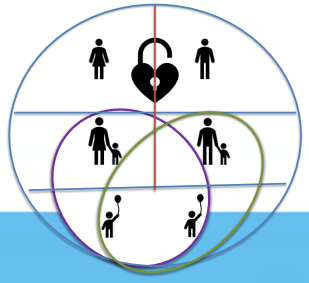

DELISSEN MARTENS
The systemic approach in family law
Questions about underlying emotions
Examine family of origin
Attention to communication, behavior and mourning
First discuss the divorce decree, then discuss the children
Finance & Assets after parenthood !
HUB HOLISTIC PRACTICE
ADVOCATEN RELAASTINGADVISEURS MEDIATION

29


DELISSEN MARTENS
The systemic approach in family law
New Partner stays above this line
Do not let children float up, or take place between the parents
How do the parents want to interact with each other in the future? Make a parenting plan.
HUB HOLISTIC PRACTICE
ADVOCATEN RELAASTINGADVISEURS MEDIATION

30

The systemic approach in family law



Partner vs Partner (2)

After the parenting plan, the discussion takes on a more business-like character: financial aspects are discussed such as alimony, the home, pension and capital allocation.

31

The holistic approach in family law

Integrative approach

Always ask your questions within the context of these four topics

Legal Conflict (mind):
Underlying issues related to body, emotions & soul

32

What is your message?

The legal profession as a humanistic modem that truly impacts clients and practitioners

The purpose is to educate and promote the practice of law as a healthy and healing profession, mutually beneficial for the lawyer and client.

SING YOUR SONG FROM A FULL CHEST!

What can I bring to the relationship? Become a giver ..

Where does your sense of identity reach?

Egocentrism -> Geocentrism (I am the world)

33

What does forgiveness?

Courtroom forgiveness: Botham Jean's brother hugged Amber Guyger, and the world took note
Published 2:11 PM EDT Oct 3, 2019

The former Dallas police officer was sentenced to 10 years in prison for fatally shooting a black neighbor in his home. Guyger said she thought she had walked into her own apartment and mistook Botham Jean for an intruder.

He showed with his grace and forgiveness how we should heal, and I hope that people who were upset by the verdict will follow his example," defense attorney Toby Shook told NBC News.

ADVOCATEN RELAASTINGADVISEURS MEDIATION

34

Why & What for HOLISTIC LAW?

1. You resolve conflicts by working together, connecting, talking
2. Shift your perspective and broaden your human skills, use those tools together with your legal knowledge
3. Be focused on collaboration and achieving solutions
4. Connect with your deepest feeling about norms and values
5. Add love to the legal system
6. Holistic Law: reflect on your own behavior and actions
7. Encourage clients to see their own share in the conflict
8. Forget about anger and judgment, choose to develop yourself and grow as a person (both the client and the lawyer)
9. Look with a broader view and recognize the possibilities outside the appropriate path

ADVOCATEN RELAASTINGADVISEURS MEDIATION

35

HOLISTIC LAW and Mindfulness

Berkely School of Law teaches Mindfulness

Why needed?

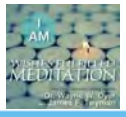
Practice concentration & focus

"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, anmd to produce more compassionate and effective laws and policies."

ADVOCATEN RELAASTINGADVISEURS MEDIATION

36

The integration van MINDFULNESS & MEDITATION in the law practice



EXERCISE IN MEDITATION

https://youtu.be/uWZAvPqZtiI

ADVOCATEN RELASTINGADVISEURS MEDIATION

37

THE MOSES CODE: EXPLANATION

The Moses Code, author and sound-healing pioneer Jonathan Goldman shares an amazing discovery he made while working with James Twyman. Now, for the first time, an ancient form of Kabbalistic numerology called Gemantria is being combined with the name of God that was given to Moses at the burning bush: I AM THAT I AM. These are frequencies that have never been made public before, and they unlock the power of the Moses Code in profound ways. The basis of this recording is the tuning forks Jonathan designed that correspond to the Gemantria of the Holy Name. The tuning forks are available through www.themosescode.com.

ADVOCATEN RELASTINGADVISEURS MEDIATION

38

WHAT DO YOU STAND FOR?

What is your compass?

What gives me energy?

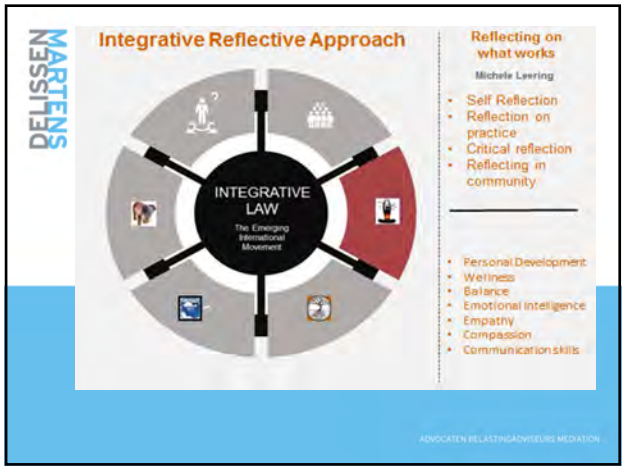
What are my driving forces?

Discover your own greatness

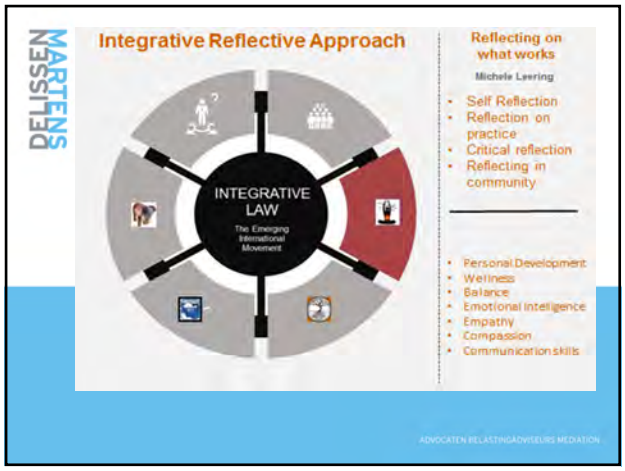
Exercise: discuss in pairs

ADVOCATEN RELASTINGADVISEURS MEDIATION

39


DELISSEN MARTENS
Integrative Reflective Approach
INTEGRATIVE LAW
The Emerging International Movement
Reflecting on what works
Michele Leering
Self Reflection
Reflection on practice
Critical reflection
Reflecting in community
Personal Development
Wellness
Balance
Emotional intelligence
Empathy
Compassion
Communication skills
ADVOCATEN BELASTINGADVISEURS MEDIATION

40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Critical reflection
Reflecting in community
Personal Development
Wellness
Balance
Emotional intelligence
Empathy
Compassion
Communication skills
ADVOCATEN BELASTINGADVISEURS MEDIATION

41


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Integrity, Purpose, and Values
INTEGRATIVE LAW
The Emerging International Movement
Who am I?
What is my life about?
What is my role as a lawyer?
What is the purpose of law?
Do I really want to be a lawyer?
Can I be me and still be a lawyer?
What is my vision for a better world?
ADVOCATEN BELASTINGADVISEURS MEDIATION

42

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Consciousness

Holistic, Unitive, Integral

- Evolving
- Emerging
- Paradigm-shifting

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43

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Becoming the Change-makers

Integrative Law in Action

- Restorative Justice
- Therapeutic Jurisprudence
- Problem-Solving Courts
- Collaborative Law
- Contemplative Lawyering
- Proactive Law
- Community Law
- Contemplative Practices in Law
- (When practiced in these new paradigm ways)

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44

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A stressed out lawyer cannot serve his clients very well

How do you ensure a good balance and a good relationship between yourself and the client?

Deep Listening - Intellectual
Healthy in body - Physical
Good relationships - Emotional
Mindfulness & Meditation - Spiritual

Be connected with your own norms and values in work and private life

Set goals

HUB HOLISTIC PRACTICE

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45

What is your message?

46

Questions & Discuss

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47