



THE CHALLENGES OF COLLABORATIVE PRACTICE: HOW CAN WE FIND JUSTICE, CHANGE AND HARMONY?

By: Karen J. Levitt, Esq.

The Collaborative Practice movement transcends the legal community to embrace the psychological, financial, and other needs of clients in an effort, to quote the IACP mission statement, to “transform how conflict is resolved worldwide through Collaborative Practice.” At the 8th Annual International Academy of Collaborative Professionals Networking and Educational Forum held in Toronto, Canada, this past October, 2007, where many collaborative practitioners gathered, three keynote speakers were featured, Stephen Lewis, Michelle LeBaron, and Rena Sharon. Each asked the collaborative practitioners present at the Forum to look beyond the four walls of their own offices, in order to meet the challenge of how collaborative practice can bring peace in a world filled with conflict that is often very ugly, where diversity may not either be present at or be invited to or be understood by those at the collaborative practice table, and to think about how the beauty of the spirit as brought to life by music can be a way to collaborate and meet those challenges. In trying to synthesize all of these incredible speakers and bring to life the power of their presentations, there are places where their phrases may be mixed with mine, but their words and the messages they imparted, although shared with everyone at the Forum, belong to them alone.

The plenary speaker was Stephen Lewis, who spoke about “The Power of Collaborative Practice: A Force for Social Change”. Steven Lewis is a world-

renowned speaker on human rights, social justice and international development. To name just a few of his achievements, in 2005 TIME named him one of the 100 Most Influential People in the World. He is a former United Nations Special Envoy for HIV/AIDS in Africa, the recipient of The Pearson Peace Medal for his work in the field of international service and understanding, and Co-Director of AIDS-Free World, a new international AIDS advocacy organization, based in the United States. Lewis is also a Professor in Global Health, Faculty of Social Sciences at McMaster University, where he teaches a class on climate change and its consequences in both developed and developing countries. From 1984 through 1988, Stephen Lewis was Canada’s Ambassador to the United Nations, and he was an elected member of the Ontario Legislative Assembly from 1963 to 1978.

Despite Lewis’ credentials, his presentation was controversial, and welcomed by some but not all. His presentation was at times graphic to the point of offensiveness for some, and there were some that felt him to be focused more on his own causes than collaborative practice. However, for others Lewis brought to the forefront what they had been thinking, that collaborative practice has not gone far enough and that peace is not always enough without justice too.

Stephen Lewis questioned whether collaborative practice can be applied more globally, in international conflicts that



result in atrocities such as apartheid and genocide, where there are extreme levels of anger and conflict, and where the victims of such conflicts may believe justice has been denied long after conflict has been resolved. Lewis raised concern about how such huge international conflicts can be resolved where cultures, countries, politics, religion, domestic violence of all kinds (physical, sexual, and emotional), the lack of voice of women and children, who are often the victims of conflict, and who do not have a voice at the collaborative practice table and therefore may not find justice or peace. Lewis talked about the violence of war and genocide, and the AIDS/HIV pandemic, asking collaborative practitioners if the collaborative process could bring back justice and peace in places like Rwanda, and how the concept of forgiveness and restorative justice fit into the world of collaborative practice. Lewis saw Collaborative Practice as “an attempt to restore sanity”, and he asked that we think about bringing collaborative practice beyond our usual citadels to address those issues of culture, country, politics, religion, and domestic violence which are rife around the world, and bring voice to our clients who may need to more than just collaborate and talk about justice, but need to feel justice as well.

The Stu Webb Lecture was given by Michelle LeBaron, who spoke about “Undreamed Terrain: Igniting a Spirit of Inquiry in Collaborative Practice”. Michelle LeBaron is a tenured professor at the University of British Columbia (UBC) law faculty and is Director of the UBC Program on Dispute Resolution. She joined the Faculty of Law in 2003 after twelve years teaching at the Institute for

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Conflict Analysis and Resolution and the Women’s Studies program at George Mason University in Fairfax, Virginia. From 1990-1993, she directed the Multiculturalism and Dispute Resolution Project at the University of Victoria. Professor LeBaron has lectured and consulted around the world on cross-cultural conflict resolution, and has practiced as a family law and commercial mediator.

LeBaron described collaborative practitioners as agents of change, but asked that we check our “blind spots”, resist the temptation to stay within our “comfort zone”, and challenge ourselves.

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LeBaron likened collaborative practitioners to those in the “change business”, where we work with people in the throes of change in their lives and help to smooth their path to a new life. LeBaron talked about the need to think, participate, question, reflect, and consider

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who comes to collaborative practice and who does not and why. The theme of the Forum was the collaborative mosaic, with collaborative practice expending not just globally but also locally, and within that theme is also the theme of inspiration. LeBaron warned against what she called missionary zeal, that although collaborative practice provides a mechanism for people in crisis to meet with teams of professionals who bring positive energy and support to conflict resolution, that there are always those blind spots where we need to push the boundaries of our commitment and practice.

LeBaron posed a series of questions for collaborative practitioners, and as she posed each question she used both metaphor and audience participation to demonstrate each question. She asked:

1. Are there issues or questions that could or should be on the radar screen of collaborative practitioners that are not? The paradox here is to look both backwards and forwards, locally and globally, to ask ourselves and our collaborative practice communities what

kind of questions are important to ask that we have not asked yet?

2. Are there people or groups of people who would not feel at home in collaborative practice, whether they are attorneys or clients, and who might they be? LeBaron asked whether collaborative practice had yet achieved the ability to be the face of multicultural groups in our various societies, and who would see their face reflected and who would not.

LeBaron’s reference to “if you build it, they will come”, led to the question of whether Stu Webb’s vision is really being actualized. There are those who many not feel at home in the collaborative practice movement or process, regardless of whether they are surrounded by a team of well meaning professionals, and that we need to be careful not to “fill in the blanks” with our own experiences and assumptions. LeBaron saw the challenge as being aware of the way we “fill in the blanks” for ourselves and our clients so that we are truly meeting the needs of our clients and being true to Stu Webb’s vision.

3. Are there practices among you that are evolving into orthodoxy through habits of practice and through decisions about standardizing practice, are there emerging orthodoxies that are narrowing options? LeBaron asked that we help our clients deal with very difficult issues by being practical and positive but by also being creative and flexible. The collaborative practice movement as it grows needs to be open to new ideas and methods of approaching conflict resolution that are true to Stu Webb’s vision, but that are



open to different ways of doing things.

4. How is Collaborative Practice doing at living its values of creativity and collaboration, especially amongst those who may not see collaboration in the same way?

5. How does Collaborative Practice facilitate accessibility, fairness, responsiveness, affordability, and justice to people who may not see themselves reflected in the mainstream of society, however that is defined? Collaborative practitioners need to be able to respond to those who do not know how to respond to it, and see it as out of the ordinary or difficult to navigate.

6. Where is Collaborative Practice going or not going, of all the possible directions it could go? LeBaron took us to Tokyo in 2017, and imagined what Collaborative Practice might look like then, and whether it had met its goal of transforming how conflict is resolved worldwide. LeBaron also recognized some of the principles that Stephen Lewis talked about, that collaborative practice and justice might be an uneasy fit at times. There may be issues of rights and justice that need to be addressed, and where collaborative practice fits in may not always be so clear.

The final speaker was Rena Sharon, who spoke on “The Chamber Music Metaphor: From Conflict to Collaboration”. Rena Sharon is a world renown pianist and musician. Among Canada’s foremost chamber musicians, her performance spectrum also comprises solo recitals and

concerti. She has performed with many distinguished artists, and has toured around the world. In addition to her concert schedule, Ms. Sharon also lectures extensively, and best known is her lecture entitled “I Love Lieder”, an introduction to the collaborative process of poetry and music. She is currently the Professor of Collaborative Piano Studies at the University of British Columbia.

Sharon connected the themes of conflict and challenge as raised by Lewis and LeBaron to the peace and harmony of music, and the collaboration in music that creates the beauty of sound that feeds the human spirit around the world regardless of conflict. She shared not just her own thoughts about music and collaboration, but demonstrated how musicians collaborate with performances given at the Forum by the Tokai String Quartet, and the Canadian Tenors who helped

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bring an end to the Forum with their amazing grace and virtuosity.

Sharon talked about a composer’s intention when writing music and the alignment of musicians when they perform the music, creating a fundamental unity. She described the passion, vigor, and transformation of music as being much like the process of collaborative

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practice, in that although there are pieces there is a commitment to the whole.

Chamber music is music for a small ensemble of players, and the score is like a blueprint or encrypted code as the markings on the pages of chamber music are incomplete, leading to many possible interpretations. When one hears a great chamber ensemble, it looks planned and organized, but what one is actually hearing is the product of an ongoing process of “intricate negotiations, extensive compromises, resolution of complex personal dynamics, and intense personal debate where everyone is “speaking” at same time with their instruments about an indescribable topic”. These negotiations involve questions of culture, different sensibilities about aesthetics and traditions, variations in education and training, and emotion.

All of these negotiations are part of the collaboration necessary to play chamber music, and the language is not a verbal language. Although opinions and feelings can be informed by music, there is no way to know how music is really felt and experienced by so many people. The musicians need to agree upon speed, timing, whether notes are played loudly or softly, and a myriad of other pieces in order to create the whole, all of which can affect the meaning of the piece to the listener. If the intent of the musicians regarding the piece is to have music that leads to the emotion and beauty they sought when collaborating on the music, they have created a unified piece. Collaborative practice can be like music, with the team members and clients orchestrating their communications and negotiations to achieve a unified and

peaceable resolution that is acceptable to all.

The amazing thing about all of these lectures was the interrelationship between the speakers’ themes. All of the speakers challenged collaborative practitioners to continue to look beyond the vision created by Stu Webb and bring Collaborative Practice to a higher plane for ourselves, our clients, and the larger world community. Lewis’ presentation was controversial and brought many of the Forum attendees out of their comfort zone; LeBaron made collaborative practitioners look at themselves and ask really hard questions about who is part of the collaborative practice movement and who is not and what we need to do about it; Sharon talked about the need for collaboration and understanding among individuals to create the whole. Collaborative practice is evolutionary—2017 is a long way off. There is so much yet to be done, and these speakers have raised our consciousness in a way that challenges us to find that peace and justice through collaborative practice in new and different ways.



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