

TEACHING FROM THE INTEGRATIVE PARADIGM:
THE NEGOTIATION CLINIC AT QUINNIPIAC UNIVERSITY
SCHOOL OF LAW

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ABSTRACT

This Article proposes an integrative approach to legal education with a particular focus on clinical education. The Authors trace the theory and practice behind the Negotiation Clinic at Quinnipiac University School of Law to illustrate the benefits of the integrative approach. This Negotiation Clinic utilizes the Conscious Contracts model of integrative deal-making. The Authors note that this clinical approach shares several of the learning outcomes present across other clinics, like professional identity formation, excellence in communication, collaboration, teamwork, and practice ready skills. However, the integrative approach is distinguishable for its explicit

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focus on student and lawyer well-being and transformation of the student experience. The Authors advocate for widespread adoption of the integrative approach among legal educators in order to keep pace with evolving educational and professional norms.

INTRODUCTION

This article traces the theory and practice behind the Negotiation Clinic at Quinnipiac University School of Law (first offered in the summer of 2020) and advocates an integrative approach to legal education. Law professors, especially those in clinical legal education, owe it to our students, and to the future of the profession, to embrace the Integrative Law Movement—to study and understand it, teach it, and help it flourish.

In the Negotiation Clinic, students work with clients facilitating the Conscious Contracts®¹ model of integrative deal-making, within a framework designed to teach—as well as model—holistic practice-ready lawyering. In this article, we explain not only the atypical casework, but also how we designed this cutting-edge approach to teaching. As in many clinics, the learning outcomes include professional identity formation, excellence in communication, collaboration, teamwork, and practice-ready skills. However, the explicit focus on student and lawyer well-being while using Integrative Law in the course design *enhances* the core principles of client-centered lawyering and student-centered clinical teaching—transforming the student and client experiences.

Section I summarizes theory and best practices underlying the design and processes used in the course, including pedagogical theories. **Section II** addresses the story behind the clinic, and its place in the law school's curriculum. **Section III** describes the principles of Integrative Law and the Conscious Contracts® model which form the structure and culture of the course. **Section IV** lays out the specific components of the course, lessons learned, and recommendations for applying these ideas in other courses. Finally, in **Section V**, we conclude that the Integrative Law approach serves a useful and important purpose in legal education and has a role in facilitating the meaningful evolution of the future legal profession.

1. Conscious Contracts® is a trademark for an Integrative Law model of contracts. It is focused on discovering agreement while negotiating, and drafting plain language, values-based agreements. See *Conscious Contracts*®, <https://consciouscontracts.com/>.

I. BUILDING ON PEDAGOGICAL THEORY

The Negotiation Clinic embodies core elements of clinical legal education, the dispute resolution fields, and critical pedagogy.² The design rests on deliberate choices to integrate the fundamental essentials of Integrative Law with approaches considered to be *best practices* of clinical methodology, dispute resolution content, and student well-being.

Of course, the clinic complies with the most current mandates of the ABA Standards for law clinics.³ We also aim to unite three apprenticeships: legal analysis, practical skills and professional identity formation.⁴ Furthermore, we highlight the aspect most overlooked in legal education: professional identity, defined as “the purpose and attitudes guided by the values for which the professional community is responsible,”⁵ such as honesty, trustworthiness, compassion and respect.⁶ The clinic explicitly requires students to resolve tensions between their values and those expected by the profession. We have purposefully created powerfully engaging experiences where students discuss professional identity and each student’s self-reflection on their identity. As the Carnegie Report suggests, students must answer the questions:⁷

1. *Who am I as a member of this profession?*
2. *What am I like, and what do I want to be like in my professional role?*

2. We acknowledge the lineage of legal educators from whom we’ve learned and on whose teachings we built—too many to list. After Spring 2021, Horani read bell hooks’ *Teaching to Transgress*, discovering that many of the aspects we implemented in our course design were discussed in hooks’ reflections on teaching. We therefore frequently cite to her work to celebrate her transformative wisdom as it deeply aligns with our aims in crafting this clinic and inspiring future legal educators. *See generally* BELL HOOKS, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* (1994).

3. STANDARDS AND RULES OF PROC. FOR APPROVAL OF L. SCHS., STANDARD 304 (AM. BAR. ASS’N 2022) (requiring that clinic students successfully complete sufficient prerequisites or receive sufficient contemporaneous training to assure the quality of the clinical educational experience).

4. These apprenticeships are the major focus of WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* at 27, 145 (The Carnegie Found. for the Advancement of Teaching 2007) [hereinafter *THE CARNEGIE REPORT*].

5. *Id.* at 28.

6. *Id.* at 130.

7. *Id.* at 135.

Like all good clinics, we incorporate phases of modeling, habituation, experimentation, feedback and reflection.⁸ Beyond that, we shift authority and ownership of the learning process, so students are actively engaged in shaping their own education.⁹ The primary legal skills that students practice are counseling and negotiation, and they do so in the context of contract law, where they explore how the purpose and role of the attorney is to help “two parties align their values to work together.”¹⁰ Moreover, the context of contract drafting illustrates to students that an attorney “should be more concerned with avoiding litigation rather than creating it.”¹¹

The clinic includes the primary learning outcomes and methods recommended for law clinics, such as:

- Problem-solving by managing uncertainty and exercising judgment;
- Creative thinking, as an example of a new mode of thinking like a lawyer;
- Learning how to learn skills in professional settings, including working in a collaborative team, and critiquing lawyering models;
- Practicing well-being and developing self-knowledge, and other skills related to the affective and human dimensions of legal practice; and
- Building lawyering skills with the explicit goal of promoting transfer to other types of practice contexts.¹²

8. *Id.* at 14.

9. HOOKS, *supra* note 2, at 14 (“[Paulo] Freire’s work affirmed that education can only be liberatory when everyone claims knowledge as a field in which we all labor. That notion of mutual labor was affirmed by Thich Nhat Hanh’s philosophy of engaged Buddhism, the focus on practice in conjunction with contemplation. His philosophy was similar to Freire’s emphasis on ‘praxis’—action and reflection upon the world in order to change it.”).

10. THE CARNEGIE REPORT, *supra* note 4, at 14.

11. *Id.* at 132.

12. DEBORAH MARANVILLE ET AL., BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 205-06 (2015) (*relying on* SUSAN J. BRYANT ET AL., TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 13-31 (2014)).

Finally, we incorporated fundamental principles for dispute resolution courses:

- We embrace the notion that peacemaking and problem-solving lawyers are the legal profession's equivalent of doctors who practice preventative medicine. They are overshadowed by surgeons, in the same way that problem-solving lawyers can be overshadowed by litigators.¹³
- We challenge students to consider how problem-solving lawyers have greater opportunities to contribute to the well-being of fellow citizens (by creating win/win resolutions rather than win/lose) while improving their own professional satisfaction.¹⁴
- By highlighting negotiation as a core skill, we acknowledge that it has been identified by all recent studies as an essential component of the fundamental skills of a lawyer.¹⁵
- We also include advanced dispute resolution content, as students facilitate a conflict resolution plan, which clients commit to using in future dealings with each other.¹⁶

13. MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* 107 (1994).

14. THE CARNEGIE REPORT, *supra* note 4, at 126-127.

15. *See, e.g.*, AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT - AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 207-21 (1992)) [hereinafter MACCRATE REPORT]; *see also*, MARJORIE M. SCHULTZ & SHELDON ZEDECK, *Predicting Lawyer Effectiveness: A New Assessment for Use in Law School Admission Decisions*, 4TH ANNUAL CONFERENCE ON EMPIRICAL LEGAL STUDIES (2009); *see also*, Logan Cornett et al., *Foundations for Practice*, UNIVERSITY OF DENVER: IAALS, <https://iaals.du.edu/projects/foundations-practice> [<https://perma.cc/KT6V-VMTM>](last updated 2022).

16. The ACED is an example of a conflict resolution system design process. Discussing conflict systems design, *see e.g.*, LB AMSLER ET AL., *DISPUTE SYSTEM DESIGN: PREVENTING, MANAGING AND RESOLVING CONFLICT* (2020).

II. THE CLINIC CREATION STORY

A. An Opportune Moment

Quinnipiac launched the Negotiation Clinic at Quinnipiac Law as a unique addition to the clinical opportunities for students during the Summer of 2020. Previously, Quinnipiac offered no opportunity for students to explore new practice settings beyond mediation. Most clinical options are traditional advocacy models in substantive areas such as civil litigation, immigration, tax, and veterans' law. While externships could be in any practice setting and substantive area of law, typically Transactional Externship placements were also in traditional advocacy settings. This clinic filled a niche not yet offered.

The offer to teach this clinic came as a gift from J. Kim Wright, a central figure in the Integrative Law Movement—and a digital nomad. As a result of being grounded in 2020 due to the pandemic, she proposed to convert her Conscious Contracts® trainings for practitioners into a law school clinic for law students, bringing her prospective clients.

From a practical perspective, the law school was interested in offering a clinic that would be virtual from the outset of the design due to the pandemic. The casework would enhance transactional experiences for students, including an opportunity to work with parties internationally.¹⁷ The most appealing aspect was the opportunity for students to learn Integrative Law and cutting-edge approaches *while* forming their ideas of the kind of lawyers they wanted to be—he means to enhance their professional identities.

Students were struggling to find jobs in the summer of 2020, and other clinics and externships were stalled due to closed courts. In May 2020, Dean Kaas prioritized approving a virtual summer clinic, admittedly a rush job, and registering students immediately. Initially, we focused on the obvious transactional nature of the work, calling it the “Transactional Clinic.”

In hindsight, the quick turnaround meant there was not time to sufficiently educate contracts and transactional faculty about the Conscious Contracts approach. *In other words, we did not engage in exactly the kind*

17. Thanks to the virtual platform, clinic clients, guest speakers, and mentors come from several countries.

of collaboration and values clarification that we were intending to practice with our students in the clinic. As a result, some faculty members were skeptical. They knew nothing about Conscious Contracts or Integrative Law, and worried that an alternative model would not adequately prepare students for the realities of current practice in transactional work.

There were also legitimate questions about how lawyers not admitted in Connecticut could supervise our students. Answering the ethical question, we added a Connecticut lawyer to the teaching team, and faculty ultimately voted to offer it as a one-semester pilot project – largely due to the familiarity of some faculty, including Dean Jennifer Brown, with J. Kim Wright. Dean Brown had previously taught from her book, *Lawyers as Peacemakers*,¹⁸ and Kim had previously presented for the QUSL Center on Dispute Resolution, attended by some faculty. It was her reputation as a changemaker and world-renowned author that gave the faculty the confidence to proceed.

That first summer, Kim invited a co-teacher, Jacqueline Horani, an innovative integrative lawyer with a virtual practice. Consulting with Dean Kaas, they transformed Kim’s in-person trainings for lawyers and Jacqueline’s work in plain language¹⁹ and visually designed contracts into a virtual curriculum. Five students enrolled that first summer. To a person, they raved about the experience. We felt we were truly on to something wonderful.

B. Re-Negotiating Faculty Approval

We intentionally did not offer the clinic in the fall of 2020, giving us time to assess and engage in conversations with faculty. During the assessment period, we realized just how strong the dispute resolution design attributes were. The Transactional Clinic students were facilitating negotiations of deals, in a similar way to the ways our mediation clinic students were facilitating negotiations of disputes. They were neutrals, facilitators, and consultants, not advocates for only one party to the deal.

18. See generally J. KIM WRIGHT, *LAWYERS AS PEACEMAKERS, PRACTICING HOLISTIC, PROBLEM-SOLVING LAW* (2010).

19. Plain Language is writing in language that is understandable to the users. For more information, see: <https://www.plainlanguage.gov/about/definitions/> and <https://www.cherylstephens.com/plain-language-defined.html>. Jacqueline Horani spoke about plain language here: <https://youtu.be/DK4NPvFyU2s>

Some Conscious Contracts practitioners do serve as collaborative advocates while others serve as neutrals.

We chose the neutral role approach for the Clinic for three reasons:

1. It was authentic to the way many Conscious Contracts practitioners practice.
2. It resolved the ethical issue presented by out-of-state professors.
 - a. Because clients had lawyers in their own jurisdictions, students were freed to function as facilitators of negotiations under the supervision of professors—regardless of where those professors were admitted.
3. It opened the possibility for students to engage with interjurisdictional and international clients.

Another faculty vote was required before we could offer this clinic regularly. We applied our experiences from the Summer, making changes before taking the clinic back to the faculty for the permanent approval vote. We characterized it as an ADR²⁰ clinic and renamed it the “Negotiation Clinic”—to emphasize the primary legal skill students would use rather than the type of legal task. We further refined the design and description, emphasizing the diversity of the parties²¹ seeking services. We shared the overwhelmingly positive reviews from students and incorporated several of their ideas, making the clinic experience even more meaningful. Finally, we agreed to alternate day and evening sessions, allowing part-time students greater flexibility and access to the clinic.

The ADR faculty was eager to “claim” it as a unique and exciting addition to the menu of offerings. Other clinical faculty also spoke in favor

20. The *ADR* acronym refers to Alternative Dispute Resolution.

21. Unlike many clinics—including at Quinnipiac—poverty and inability to access legal services are not our exclusive litmus tests for client selection. Rather, willingness to engage in the Conscious Contracts process with law students as facilitators is the priority consideration. We introduce students to clients diverse in location, culture, race, age, gender, sexuality, economic class, industry, and formation stage. Each semester, student groups work with very different clients, and share during class, so students learn how the skills can be applied with any client type and situation. We continue to expand our efforts to include diverse representation.

of the clinic, praising how it offered a type of clinical experience not offered by other clinics including:

- the foundation of the Integrative Law approach and values;
- the fully virtual format for both class and client work;
- the fact that cases involved transactions rather than disputes; and,
- the ability to recruit clients from anywhere.

With enthusiastic support from two primary faculty constituencies, and the positive reports from the first set of students and clients, the proposal for the Negotiation Clinic passed without controversy or significant opposition. The clinic was offered again in the Spring of 2021 and has been held three more times since. Professor Horani is a gifted clinical teacher, and has taught every semester, training various co-teachers to teach Integrative Law. Professor Wright has taught twice and has stayed involved in the development of the course as mentor and guest speaker.

The next significant modification launched in the fall of 2022, transitioning the clinic to a two-semester program: fall students can join the 2-credit simulation course “Integrative Law Approach to Negotiation” and in the spring, students accepted into the 3-credit Negotiation Clinic will further deepen their skills working with clients. This structure allows us to accept two to three times as many students in the fall as in the Clinic, giving more students the chance to learn and apply integrative concepts throughout their law school careers (without committing to the Clinic).

III. THE PILLARS OF INTEGRATIVE LAW AND ONE OF THE MODELS: THE CONSCIOUS CONTRACTS® PROCESS

Integrative Law is a mindset in law that reflects an evolution and paradigm shift that has been occurring for decades. The shift began to manifest in the early 1990s as evidenced by developments such as transformative mediation, collaborative law, therapeutic jurisprudence,

restorative justice, and other models first identified by Susan Daicoff.²² J. Kim Wright's *Lawyers as Peacemakers* also surveyed many of the early models and pointed to this evolution of legal practice.²³

For those not familiar with Integrative Law, it may be challenging to fit it into the usual way of thinking of law. Although Integrative Law includes substantive law, it is neither a substantive area of law nor is it a set of procedural rules despite its impacts on procedure. Integrative Law is a mindset, a way of being and perceiving the world, that shifts what Integrative Lawyers do and how they define their roles as lawyers. It has been called an evolution, an awakening, and a paradigm shift in law that focuses more on relationships and the ethic of care. The paradigm shift is often compared to opening a door and the discovery of a new world.²⁴

The Integrative Law Movement has spawned many new models and approaches. Some, like Collaborative Practice, began in a particular practice area, such as divorce. Buddhist Founder, Stu Webb, could no longer practice adversarial law and created a new model that is now practiced around the world.²⁵ It has its own model rule that has been adopted in twenty-three states.²⁶ Earth Law grew from a concern for the environment. Earth Lawyers focus on the connection to Nature and distinguish themselves from environmental lawyers who focus on regulation.²⁷

In 2011, following the publication of *Lawyers as Peacemakers*, thirty American lawyers including Wright, gathered at a *leadership summit*, representing diverse areas of legal innovation, the models described by both

22. SUSAN SWAIM DAICOFF, *COMPREHENSIVE LAW PRACTICE: LAW AS A HEALING PROFESSION* (Carolina Academic Press ed., 2011). See also SUSAN SWAIM DAICOFF BASKIN, *Law as a Healing Profession: The Comprehensive Law Movement*, N.Y.L.SCH. CLINICAL RES. I. Paper No. 05/06-12 (2006), <https://ssrn.com/abstract=875449>.

23. See generally J. KIM WRIGHT, *LAWYERS AS PEACEMAKERS, PRACTICING HOLISTIC, PROBLEM-SOLVING LAW* (2010) [hereinafter *LAWYERS AS PEACEMAKERS*].

24. This discovery is similar to the magic doorway to Narnia. If you have not seen the movie, the following clip demonstrates: <https://youtu.be/gwuqA1Ys9Zo>.

25. Interview with Stu Webb Founder of Collaborative Practice & Member of Board of Dir. Of Collaborative L. Institute of Minnesota, in St. Louis Park, Minn. (Aug. 20, 2015), <https://youtu.be/VKLoICvoHcU>.

26. Uniform Law Commission, *Collaborative Law Act 2010*, <https://www.uniformlaws.org/committees/community-home?CommunityKey=fdd1de2f-baea-42d3-bc16-a33d74438eaf>

27. Cormac Cullinan, *Extracts from Wild Law—From Chapter 1: Walking on the wild side*, ORION Magazine.

Daicoff and Wright, and additional models that included the below four pillars.

- collaborative law
- sharing law,
- restorative justice,
- therapeutic jurisprudence,
- problem-solving courts,
- accessibility,
- design,
- contracts,
- mediation,
- mindfulness,
- contemplative practices,
- conscious business,
- visual thinking,
- spirituality in work,
- legal education, &
- systems theory.²⁸

Participants in the summit participated in exercises to share their purposes and values. They immediately saw commonalities, and by the end of the event, were in agreement that their combined models shared a common core and should be called the “Integrative Law Movement.”²⁹

After the publication of *Lawyers as Peacemakers*, J. Kim Wright began to receive invitations to travel abroad and speak about her work. In more than a decade of being a digital nomad, she has circumnavigated the globe several times. It soon became apparent to her that Integrative Law was an international movement. Wright’s second book, *Lawyers as Changemakers*,³⁰ illuminated examples of Integrative Law across six continents, and demonstrated the common values and mindsets of an evolving paradigm. From her research and anecdotal evidence, she organized her book around four “pillars” of Integrative Law that are expressed internationally. These pillars were:

28 J. KIM WRIGHT, *LAWYERS AS CHANGEMAKERS: THE GLOBAL INTEGRATIVE MOVEMENT* (2016) [hereinafter *LAWYERS AS CHANGEMAKERS*] (providing more detail on the Integrative Law Movement).

29. *LAWYERS AS CHANGEMAKERS*.

30. *Id.*

A. Integrative Lawyers are Reflective.

As humans and in collaboration with colleagues and clients, Integrative Lawyers reflect on their motivations, their purposes, and the human condition. They bring those reflective skills to their work and the world around them.³¹

B. Integrative Lawyers are Design-Thinkers and Have a Systemic View of the World.

Integrative Lawyers recognize that society is becoming more complex. They embrace complexity while seeking to make the law understandable and workable for all stakeholders. The approaches take a systemic view, acknowledging that legal problems and controversies do not arise in a vacuum, but are part of complex, inter-related systems. Integrative Law models, approaches, and policy initiatives have arisen in response to a greater awareness of interconnectedness & systems design.³²

C. Integrative Lawyers are Harbingers of a New Cultural Consciousness and are Leaders in Social Evolution.

Integrative Lawyers are leaders in an emergent world view and bring this consciousness into law. They are open to exploring and drawing upon diverse disciplines and wisdom traditions, and they partner with other professionals, welcoming indigenous voices and voices of color in providing services and being changemakers.³³

31. Reflective practice as core competency in law schools and clinical courses. *See, e.g.*, Michele Leering, *Conceptualizing Reflective Practice for Legal Professionals*, 23 YORK J. L. SOC. POL'Y (2014) ("an integrated reflective practitioner who is self-aware and critically reflects on practice and theory as a self-directed lifelong learner, reflects collectively and in community and takes action to improve his or her practice."); *See also* Gemma Smyth, *Chapter 4.1 What is Reflective Practice*, OPEN LIBRARY: LEARNING IN PLACE – AN EXTERNSHIP COURSEBOOK (2022), <https://ecampusontario.pressbooks.pub/externship/chapter/what-is-reflective-practice/> [<https://perma.cc/X63T-4P2G>]; *Reflective Practice: A Critical Habit for Successful Lawyers*, CAL. W. SCH. OF L. SAN DIEGO: FACULTY NEWS (Jan. 17, 2019 8:31 AM), [<https://perma.cc/462D-RU2S>].

32. *See, e.g.*, John Pourdehnad et al., *Integrating Systems Thinking and Design Thinking*, THE SYSTEMS THINKER, <https://thesystemsthinker.com/integrating-systems-thinking-and-design-thinking/> [<https://perma.cc/RX9Z-RZ6K>] (last visited Sept. 22, 2022).

33. LAWYERS AS CHANGEMAKERS.

D. Integrative Law is a Set of Shared Values and Mindset.

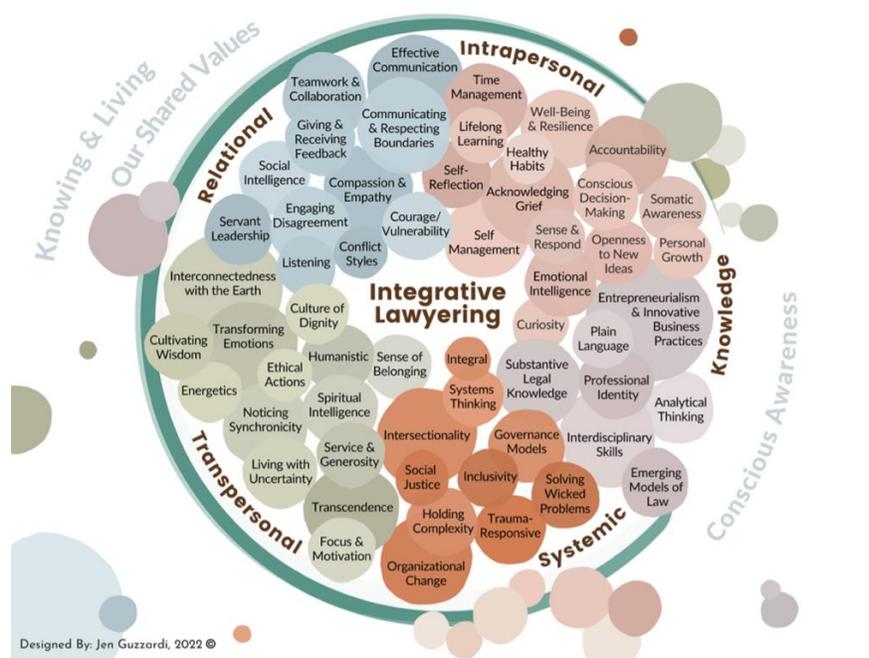
In *Lawyers as Changemakers*, Wright collects stories from integrative lawyers and organized them into themes based on the values they seemed to espouse. Collectively, these were the values and ways of expressing them that emerged:

Authenticity, Integrity, Humanizing All Stakeholders in the System, Creativity, Generosity, Compassion & Dignity, Happiness & Wellbeing, Being Relational, Making the World a Better Place, Embracing Challenges, Reuniting Love & Law, Being Inclusive, and Law as a Spiritual Path (for some).³⁴

A dynamic movement, Integrative Law has embraced many more innovations and continues to evolve. One parallel movement in law which has influenced how Integrative Law is expressed is the legal design movement.³⁵ For the last two years, the movement has been experimenting with various designs to explain the Integrative Law Movement. Reflecting that Integrative Law embraces the concept of *thinking like a lawyer* and expands the universe of ways of being a lawyer. Jen Guzzardi, a third-year and former clinic student, designed this graphic to demonstrate aspects reflective of integrative lawyering:

34. *Id.*

35. Siegelvision, *Linda Alvarez and Susanne Van der Meer at Call for Clarity Conference* – Siegelvision, YouTube (Apr. 19, 2016), <https://www.youtube.com/watch?v=xgesG2r4CF4> (featuring two integrative law leaders speaking at a design conference).



J. Kim Wright sometimes describes how Integrative Law has expanded like popcorn popping around the globe. The *heat* of the new mindset and universal values generate different ways of practicing. Criminal lawyers incorporate restorative justice or therapeutic jurisprudence (including problem-solving courts). Family lawyers adopt mediation, collaborative practice, or holistic approaches. Business lawyers re-design contracts for humans—incorporating visuals and plain language. Environmental lawyers advocate Earth Law. Each of these explorations shape and inspire the others, co-creating the movement of Integrative Law.

E. Overview of the Conscious Contracts® Process

The Conscious Contracts model is one expression of Integrative Law.³⁶ Built upon accepted contract principles such as the freedom to contract, it

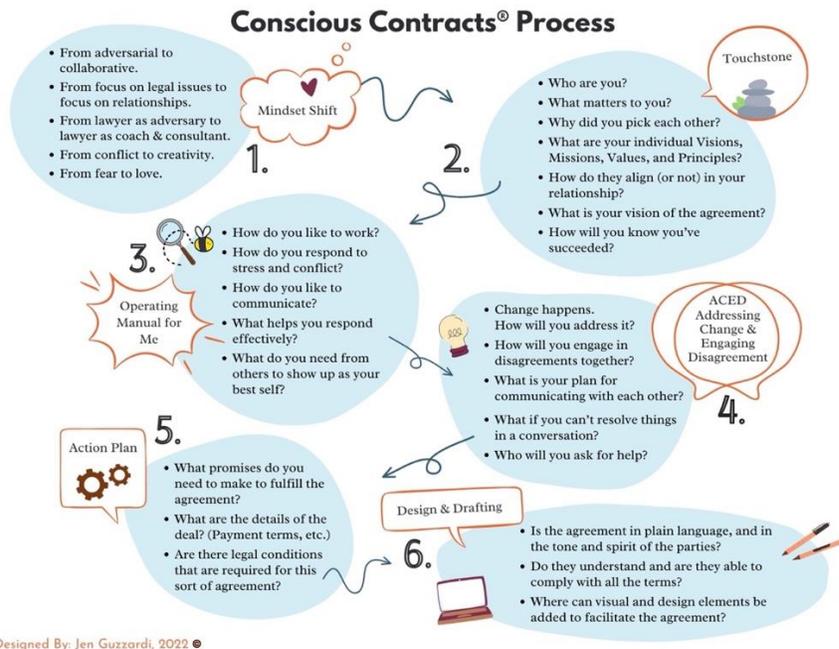
36. Conscious Contracts® is part of a movement to evolve contract law beyond the adversarial model, including relational contracts, prosocial contracts, and comic contracts.

recognizes the goal of contracts as creating sustainable relationships that allow parties to accomplish their work together. Focusing on defense or offense in a contract is not an effective approach when memorializing a trusted relationship.³⁷ The model builds on best practices of modern contracts like plain language, design thinking, and using visuals. It is also influenced by restorative justice, collaboration, human dynamics, conflict styles, organizational development, coaching, and conscious business practices.

Many of the core principles are identified in the book, *Discovering Agreement*³⁸ written by Linda Alvarez, co-creator of the Conscious Contracts approach, which is the textbook in our clinic. Following the evolving approach to the process we use when teaching students in the clinic, the following graphic was created by Jennifer Guzzardi to help explain it to clients:

37. Allan Watton, *How to Structure Your Contracts to Drive Innovation*, BEST PRACTICE GROUP (May 21, 2018), <https://www.bestpracticegroup.com/how-to-structure-your-contracts-to-drive-innovation/> [<https://perma.cc/DW47-RWHN>] (“The prime purpose of your written contract is not to (or should not) be used as a focal mechanism purely for defensive action, or to secure a pre-emptive attack. If it is structured in this way, then, not surprisingly, that is the behaviour you will receive. Written contracts are not a necessary evil to be laboured over once and then never seen again. Your contract should be the heart and soul of your working relationship; it is the structured governance around a successful implementation plan for you and your strategic partner to achieve your business outcomes in a fair, equitable and innovative manner.”).

38. LINDA ALVAREZ, *DISCOVERING AGREEMENT: CONTRACTS THAT TURN CONFLICT INTO CREATIVITY* (2016).



F. A Shift in Mindset

The Conscious Contracts approach requires a shift in mindset, toward a more explicitly relational approach to business and strategy. Facilitators lead clients through a process that enhances the relationship of the parties, building trust and collaboration from the start, identifying the parties' specific purposes and values, not merely reciting colorful, aspirational words from the lobby wall.³⁹ Participants, lawyers, and clients are encouraged to harness creativity and apply multidisciplinary skills to support and advance their interests strategically and sustainably. The tone

39. "One of the things we learned in Chile in our early reflection on everyday life was that abstract political, religious or moral statements did not take concrete shape in acts by individuals. We were revolutionaries in the abstract, not in our daily lives. It seems to me essential that in our individual lives, we should day to day live out what we affirm." HOOKS, *supra* note 2, at 48 (quoting Antonio Faundez).

and content of the agreements are relational in words that reflect the parties' intentions and voices. And the process is fun.⁴⁰

To understand this paradigm shift in practice, we find this excerpt eloquently describes the changes in approach that we advocate are key to the role of lawyer as facilitator:

In the “Third Generation of Design,” the stakeholders are the designers. They are not external sources of input. Instead, they are the concept generators and implementers. An underlying principle of interactive planning is that people must be allowed to plan for themselves. The process involves the interaction of groups of individuals with diverse values. Furthermore, the design facilitator creates an environment where these differing views are honored within the context of the larger system. Creating a shared vision of the future can also be described as finding “common ground,” a place where participants are able to get past the current situation and make decisions based on what is good for the system. In fact, designing creative solutions becomes much more straightforward if the practitioner is able to address the conflicts that arise due to differing stakeholder values, beliefs, and worldviews.

By empowering all stakeholders from the beginning, it is possible to tap the creative energy of every participant so that innovative ideas emerge from the collective of the differing perspectives. One thing that design practitioners using a systems approach bring to the table is the ability to help an organization take ownership of the ideas that emerge through the design process. This is a critical consideration for today's designers. It is much more likely that the ideas generated will be implemented and maintained if the stakeholders involved are the ones who came up with the solutions in the first place. When people within an organization have had input throughout a change

40. Alvarez, *supra* note 38 (outlining the Conscious Contracts process) lays out part of the process. Some elements have been added since the book was written.

process and believe they have influenced its direction, the resistance to new ideas dissipates.⁴¹

G. Touchstone

The Touchstone⁴² is a statement of the parties' mission, vision, values, and principles. It provides a framework for authentic communication, connection, clarity, and relationship design. The parties start the process with a conversation about what is important to them. They record their purposes, values, and principles, in addition to their hopes for the contractual relationship, and memorialize them in the document. The Touchstone conversations are important to the creation of the relationship and foundational to the other essential elements. The parties' goals and motivation are transparent to everyone. It is clear how each will benefit from the relationship and what they are willing to give. Their guiding principles, keys to satisfaction, and clear expectations are explicitly articulated.

H. Operating Manual for Me

The next component of the process, the Operating Manual for Me, became a core component of the Conscious Contracts process as a result of lessons from the clinic. In supervising law students, we noticed a missing link between Touchstone alignment and co-creating a meaningful conflict resolution process that reflected how the parties *actually* engage with each other. We created a workbook to help students identify their work styles, communication preferences, conditions for productive engagement with others, and natural responses to conflict or tension. Students then designed an "Operating Manual For Me" to share and help them design a firm

41. See Pourdehnad, *supra* note 32.

42. A touchstone originally referred to a stone used to test which metals were genuine and aligned with what they knew to be gold. See, e.g., Patricia T. O'Conner & Stewart Kellerman, *A Touching Story*, GRAMMARPHOBIAS (Aug. 1, 2018), <https://www.grammarphobia.com/blog/2018/08/touchstone.html> [https://perma.cc/7CGD-K7ZN]. This facilitated how to value things and navigate decision-making. Alvarez chose this term to describe the core component in the Conscious Contracts process since it is key as a tool to help individuals and parties decide between options as they arise in a way that aligns best with their core values and original intentions.

agreement for effective collaboration.⁴³ The following pages show an example from one of our students, rising third-year Amanda Klay:

[Intentionally Left Blank]

43. These kinds of statements called Manager “ReadMe” or User Guides are now becoming popular among Silicon Valley founders. *See, e.g., Should I write a manager README?*, KOMMON, <https://www.inkommon.com/blog/should-i-write-a-manager-readme#>, [<https://perma.cc/74VP-KMNT>].

OPERATING MANUAL FOR ME

Amanda Klay

Myers-Briggs
Enneagram

ENFJ

2-9-6

It is important to me that you know:

Everything I do is grounded in relationships and consideration of the human impact.

I enjoy serving as a sounding board, a synthesizer and interpreter of ideas, a connector, a strategist, and someone who makes others feel good about themselves.

I am an external processor. It helps me to feel heard and understood when I can share my thoughts and feelings with those around me.

I do my best work when:

- I am loved, supported, recognized, and respected.
- I am working in service to someone or something I believe in.
- I look at the big picture, create a timeline, divide responsibilities, and work at an intentional, calm, and steady pace.
- It is daytime! I tend to lose steam at night.

What I need from others:

- I need to know the plan: under stress, my schedule becomes intimately tied to my psychological safety.
- Clear expectations: My default assumption is to put in more rather than less work. It helps me if you give me an estimate of the time you expect me to invest in a task.
- Accountability, integrity, compassion.

How others can help me show up as my best self:

The more I am encouraged, celebrated, and reassured by those around me the safer I feel to take risks, the more flexible and creative I become, and the more my true self surfaces.

1/3

OPERATING MANUAL FOR ME

Amanda Klay

My Stress Triggers:

- **Lack of recognition and poor communication**
- **Last-minute changes in plan:** Find ways not to make this the norm
- **A culture of blame**, which causes me to retreat and play it small
- **Procrastination** that results in preventable "crunch time" situations

I experience conflict when:

I feel that I am not heard, that context is not being taken into account, and when fault is assigned out of anger without a willingness to address the problem and work - together - towards a solution. I am likely to internalize external conflict as a personal failing.

How others can interrupt when I'm stressed or upset:

Give me the Benefit of the Doubt.

Know that I hold myself to very high standards and am doing the best that I can. When you understand rigidity is not my preference—but a coping strategy—you help mitigate the guilt I feel for not showing up as flexibly as I want to during stressful situations.

Check-in, and Share.

Making space to genuinely & vulnerably talk about our feelings, progress, successes, and challenges is incredibly meaningful for me.

Provide Advanced Notice When Possible.

It is easiest for me to pivot when I am not asked to make schedule adjustments on the spot. Suggest a change either via text or verbally and give me mental space to consider & adjust my schedule before I confirm.

Bring a Team Mentality.

We all need support, and I take great comfort being reminded that I'm not going it alone. Being trustworthy, dependable, and kind goes a long way with me.

Encourage Breaks and Balance: Lead by Example.

If others are not taking a lunch break, I probably won't either. When others take breaks, go on walks, and have conversations that recharge, it lets me know it's okay for me to integrate these practices to keep me centered, tuned in, and productive.

2/3

OPERATING MANUAL FOR ME

Amanda Klay

Communication

I thrive on this.

I appreciate both planned and spontaneous communication and feel best when I am in close contact with my team. This could mean regular meetings and/or quick texts. Frequency will depend on the tasks required of us.

Text

- Quick Check-ins
- Urgent Matters
- Scheduling Requests with Short Turnaround

Video Call

- Team Meetings
- Client Meetings
- Human-to-Human

Email

- Client Communication
- Documenting Progress
- Sharing Attachments

Scheduling

I am a morning person and prefer to end my work days by 6pm when possible!

My preferred meeting times include:

Monday	Tuesday	Wednesday	Thursday	Friday*
		10am-noon	Flexible	10am-noon
3-5pm	1-4pm	1:30-4pm		1:30-4pm

*Note: My schedule is altered the 3rd and 4th Fridays of the month

I. Addressing Change & Engaging Disagreement

Addressing Change & Engaging Disagreement (“The ACED”) is another core component of the Conscious Contracts® process. In conventional contracts, threats of litigation hang in the background and negotiations often occur from a posture of fear, assessing who can afford the greater risk and how to protect oneself *against* the other.⁴⁴ In contrast, when change naturally occurs or a conflict arises, parties using the more relational Conscious Contracts process have a bespoke structure for engaging in problem-solving, not arming for war. The goal of the ACED process is to help parties stay aligned with their Touchstone and use their Operating Manuals for Me to craft a meaningful, functional process helping them communicate effectively through tension.

With the help of student facilitators, parties design a structure of escalating steps for addressing change, uncertainty, tension, or disagreement, including:

1. how to ask for challenging conversations, without inflaming tensions;
2. how to engage, using tools and techniques clients decide will support them in moments of stress;
3. how to ask for support or resources, when needed; and
4. how to seek and finance outside negotiations if unable to resolve matters themselves (e.g., mediation).

Having a defined custom pathway to resolving conflict allows clients to get on with business, saving time and resources in the future. Participating in the ACED process is a precondition to filing any adversarial process. This gives parties further encouragement that their intentions will be honored, even if the contract ends up in court.⁴⁵

44. David Frydinger et. al, *A New Approach to Contracts: How to Build Better Long-Term Strategic Partnerships*, HAR. BUS. REV., (Sept. – Oct. 2019), <https://hbr.org/2019/09/a-new-approach-to-contracts>. The referenced content is also heavily based on the authors’ work and experience.

45. The authors draw upon their work and experience when making the above-mentioned propositions.

J. Action Plan

The next component in the process is the Action Plan, or what others generally recognize as terms of the contract. Parties conduct their negotiations in alignment with their Touchstones and resolve conflicts with their ACED. Each clause is carefully considered for necessity and relevance. It includes legally or logistically required elements for the transaction without the pages of extraneous paragraphs often found in contract forms. This simplifies the contract and contributes to its functional use by parties, rather than having it become a document left in a drawer until—in conflict—someone calls a lawyer to understand what it says.

K. Language and Visuals Appropriate to the Situation

Conscious Contracts agreements are written in plain language that is understandable to, and in the voice of, the users.⁴⁶ These contracts are meant for ease of use by the parties and stakeholders, not for judges (or lawyers) to interpret—although writing this way makes it far easier for lawyers or judges to understand the intent of the parties.

The layout, formatting, and structure of the contracts are considered and designed to facilitate meaning and user experience. Students integrate the newest ideas in design⁴⁷ using visuals to enhance understanding and meaning to the parties.⁴⁸

L. A Global Community

Currently, Conscious Contracts practitioners do business in some twenty languages around the world and on six continents. Clinic clients have so far included Silicon Valley startups, business partnerships in fields from

46. In contracts, the parties are speaking directly to each other, and we should write in their own voices, not a translation of their voices into legalese. *See, e.g.*, HOOKS, *supra* note 2, at 11 (“We communicate best by choosing that way of speaking that is informed by the particularity and uniqueness of whom we are speaking to and with.”).

47. *See* CREATIVE CONTRACTS, <https://creative-contracts.com/> (last visited Sept. 23, 2022); *See also* COMIC BOOK CONTRACTS, <https://www.comicbookcontracts.com/> (last visited Sept. 23, 2022).

48. Quinnipiac University School of Law Negotiation Clinic, *Full Bodied Sound Partnership Agreement*, (Nov. 2021), <https://consciouscontracts.com/wp-content/uploads/2021/11/Full-Bodied-Sound-Firm-Agreement-1.pdf> (displaying a Clinic-created contract that incorporates the clients’ images and brand colors, making the contract deeply personal and meaningful to the parties).

entertainment to tech engineering, global consulting groups, landlord-tenant relationships, and international law-student led organizations. Our students have collaborated with clients across the globe in South Africa, Nigeria, Japan, Greece, Spain, Canada, and throughout the United States.

IV. CLINIC DESIGN

During the first five semesters of teaching this course, we continually refined, redesigned, and clarified. This section is an overview of our design, identifying lessons learned and how we shifted to improve the course.

A. Course Steps

We intentionally follow a habitual structure for each class. We begin with an overview of the class agenda and then proceed to the check-in procedure. Students have the opportunity to ask questions, share their work, and give and receive on-the-spot feedback, which helps them stay on track. We take a five-minute bio break, sometimes conducting somatic movement exercise, and then introduce new material and assign homework.

Syllabus: Our syllabus includes a class Touchstone and ACED process, and models self-management, collaboration, and engaged learning. We intentionally left much of the second half of the semester flexible⁴⁹ with room to:

- adapt our lessons to the interests of each semesters' class,
- expand where deeper attention was needed,

49. HOOKS, *supra* note 2, at 7 (“[E]xcitement could not be generated without a full recognition of the fact that there could never be an absolute set agenda governing teaching practices. Agendas had to be flexible, had to allow for spontaneous shifts in direction. Students had to be seen in their particularity as individuals...and interacted with according to their needs.”); *Id.* at 155-56 (“One of the most intense aspects of liberatory pedagogical practice is the challenge on the part of the professor to change the set agenda. We all learn to make lesson plans, and want to stick to them.... I think the crisis we all feel about changing agendas is the fear that we will not cover enough material...Professors can dish out all the right material, but if people are not in a mind to receive it, they leave classrooms empty of that information, even though we may feel we’ve really done our jobs.”).

- give students extra time to meet as teams or with clients, and
- respond to the uncertainty of social realities beyond the classroom.

We talk students through understanding the ways in which expectations and participation in our course differ from the banking system of learning.⁵⁰

The Check-In: In all classes, we begin with a check-in. One-by-one, students share how they are doing and what is true for them in the moment. While students and observers might initially believe that this is a waste of time, it is important to know that the check-in is not limited to class or law school but invites the whole self to be seen. Through this, we have learned how important it is for professors and mentors to model vulnerability to create a genuine atmosphere of invitation and avoid using our power coercively.⁵¹

What the check-in actually accomplishes:

- Increased comfort level with sharing and speaking in class. Each student speaks, breaking the ice and increasing overall engagement in class. Many have indicated they had never participated so fully elsewhere;
- A better relationship with professors that shows we are people too;
- Space for students to show up as their whole selves;

50. *Id.* at 14 (describing Paulo Freire on the banking system of education—which he critiques greatly in *Pedagogy of the Oppressed*—“[t]hat approach to learning that is rooted in the notion that all students need to do is consume information fed to them by a professor and be able to memorize and store it.”).

51. *Id.* at 21 (“When education is the practice of freedom, students are not the only ones who are asked to share, to confess. Engaged pedagogy does not seek simply to empower students. Any classroom that employs a holistic model of learning will also be a place where teachers grow, and are empowered by the process ... That empowerment cannot happen if we refuse to be vulnerable while encouraging students to take risks. Professors who expect students to share confessional narratives but who are themselves unwilling to share are exercising power in a manner that could be coercive. It is often productive if professors take the first risk ...”).

- Disrupting the sense of competition between students and building community;
- Learning to model and build trust, increasing relationship building—which leads to better collaboration and teamwork;
- Professional development and acknowledgement of wins beyond class; and
- Building skills in reflection, compassion, respect, and listening.⁵²

Our fully virtual clinic consistently has students showing up with cameras on, ready to talk and share information. Every step of the process from syllabus to check-ins, to class flow, to what we share and teach, is intentionally set up to model and invite genuine and deeply engaging experiences. We allow our students to see us as whole people living a full human experience⁵³—and as lawyers—which in turn helps students open up and show up authentically and establishes the co-creative and self-managed structure of our course.⁵⁴

Conscious Confidentiality Agreement: For our first lesson in ethics, we all—students, professors, and mentors—sign an agreement to share information only among designated members of the class. This agreement establishes shared responsibility for our learning community,⁵⁵ and we commit to bringing our whole selves to the class. We also invite students to

52. *Id.* at 8 (“As a classroom community, our capacity to generate excitement is deeply affected by our interest in one another, in hearing one another’s voices, in recognizing one another’s presence.”); *Id.* at 41, (“To hear each other (the sound of different voices), to listen to one another, is an exercise in recognition. It also ensures that no student remains invisible in the classroom.”).

53. *Id.* at 14 (“Thich Nhat Hanh offered a way of thinking about pedagogy which emphasized wholeness, a union of mind, body, and spirit. His focus on a holistic approach to learning and spiritual practice enabled me to overcome years of socialization that had taught me to believe a classroom was diminished if students and professors regarded one another as ‘whole’ human beings, striving not just for knowledge in books, but knowledge about how to live in the world.”).

54. *Id.* at 39 (“Making the classroom a democratic setting where everyone feels a responsibility to contribute is a central goal of transformative pedagogy.”).

55. *Id.* at 40 (“[A] feeling of community creates a sense that there is shared commitment and a common good that binds us. What we all ideally share is the desire to learn—to receive actively knowledge that enhances our intellectual development and our capacity to live more fully in the world.”).

review and provide feedback before we all sign, and discuss the design and language choices we made, beginning the practice of a critical approach to drafting contracts.

Contracting for a Grade: We sought to eliminate unnecessary competition and stress from grades.⁵⁶ Instead of perpetuating the model where students are graded on a curve against each other—or are uncertain of where they stand until the end of the semester—students are given the option to contract for their grade upfront. This allows students to see the clear expectations for an ‘A’ grade⁵⁷ and potentially alter class commitments for a different grade. Students do not usually feel the need to compete as a result, which increases genuine, active participation. Greater experiences of collaboration, sharing of ideas, and creativity all flourish with this approach.⁵⁸

Book Report: Each student chooses a book from a list of selected readings,⁵⁹ which represent new models of business, organizational development, critical thinking, and self-management relevant to class topics. Students present to the class about their book, sharing relevant insights throughout the semester as the class *expert* on that subject.⁶⁰

56. *Id.* at 157 (“A more flexible grading process must go hand in hand with a transformed classroom. Standards must always be high. Excellence must be valued, but standards cannot be absolute and fixed.”).

57. See a syllabus at: <http://reinventinglegaleducation.com/wp-content/uploads/2022/10/Updated-Negotiation-Clinic-Syllabus-Feb-2021-1.docx.pdf>. If we notice their work is not aligning with their contracted grade, we meet to give them an opportunity to cure. We now explicitly clarify the different expectations for a ‘B’ grade, so students can better self-manage and use the ACED process to initiate conversations with us when they need support.

58. Some students put in too many hours. We challenged the traditional banking system of education (between law school pressure students experience and the tendency towards perfectionism, students easily over-extending themselves). We monitor timesheets from the beginning to notice such trends and speak with students to help disrupt the pattern. We invite and remind them to give a *sustainably reasonable* effort to the course. See also HOOKS, *supra* note 2, at 157 (“The obsession with good grades has so much to do with the fear of failure. Progressive teaching tries to eradicate that fear, both in students and in professors.”).

59. As white women, we bring our own biases into the course. Recognizing our responsibility for what is presented to students, we continually develop the diversity of our course materials, including consciously replacing several white male authors with works by women and voices of color.

60. Originally, the book report was at the end of the semester. By shifting it to the beginning, it became a powerful tool of engagement.

Weekly Readings & Materials: We do not focus on reading cases. Because the subject matter of our clients is so diverse, we teach the paradigm shift, data, and skills that shape how we approach the role of lawyers and client engagement. We intentionally pull together course materials from different sources and media including videos, TED Talks, podcasts, blogs, and articles. This contributes to an exciting class discussion, and helps our students relate the class to their lives and future careers.

Learning the Conscious Contracts® Model: Students learn how to facilitate the process by creating their own Touchstone and Operating Manual for Me. They are then placed in law firms where they share their results, create Conscious Contracts agreements for their law firms, and prepare for facilitating clients through the process. They learn, practice, and later facilitate the process.

Applying the ACED: We realized that students often went through the motions of creating their ACED, thinking they would just avoid conflict among their team members. We added the requirement that they apply their ACED to resolve conflict or address change at least once during the semester. With that lived experience, they update their ACED based on what worked and what did not. This helps students to understand the *living document* aspect of a Conscious Contracts agreement. The students also learn tools like Non-Violent Communication⁶¹ and Powerful Non-Defensive Communication⁶² models, coaching, facilitation, and listening skills. Some have learned and integrated aspects of Sociocracy,⁶³ Holacracy,⁶⁴ and Appreciative Inquiry.⁶⁵

61. THE CENTER FOR NONVIOLENT COMMUNICATION, <https://www.cnvc.org/> (last visited Nov. 5, 2022).

62. POWERFUL NON-DEFENSIVE COMMUNICATION, <https://www.pndc.com/> (last visited Nov. 5, 2022).

63. Ted Rau, *Sociocracy for All: Sociocracy – basic concepts and principles*, <https://www.sociocracyforall.org/sociocracy/> (last visited Nov. 5, 2022).

64. HOLACRACY, <https://www.holacracy.org/> (last visited Nov. 5, 2022).

65. AI COMMONS, *Introduction to Appreciative Inquiry*, <https://appreciativeinquiry.champlain.edu/learn/appreciative-inquiry-introduction/> (last visited Nov. 5, 2022).

Client Experience: Each student law firm works with a client group. Generally, a law firm consists of three students.⁶⁶ The clients may be two parties or a group.⁶⁷ Students must learn to share the duties of scheduling appointments, creating meeting agendas, taking notes, turning the notes into documents, etc. Students meet with clients on their own and record their sessions for review. They facilitate the process from intake to final draft, using their firm agreement to guide their work together.

Closing Ceremony Presentation: At the end of each semester, we celebrate and commemorate accomplishments with a closing ceremony. Guests, including clients, the legal community, professors, friends, and family, are invited to join us as students present their work and their client work (with client permission). After the open house, we present student awards and debrief with each student about how they have grown, what they did especially well, and how they might grow further.

B. Overall Design Approaches

Evolutionary Organizations: We rely heavily on Fredric Laloux's *Reinventing Organizations*.⁶⁸ Laloux introduces the idea of 'Teal' organizations as those "Characterized by self-management, wholeness, and a deeper sense of purpose, these organizations... operate largely without organization charts, management hierarchies, quarterly goals or other traditional management strategies. Instead, they're characterized by features like self-managed teams, intuitive reasoning and decentralized decision-making."⁶⁹

66. Each semester group sizes shifted between two, three, and four; we find that a group of three is optimal and does not result in a binary division of labor.

67. Students successfully facilitated client agreements with up to six participants.

68. REINVENTING ORGANIZATIONS, <https://www.reinventingorganizations.com/> (last visited Sept. 9, 2022) [perma.cc/ZV4K-ZRCA]. See also J. Kim Wright & Luemara Wagner, *Systems and Legal Systems: Perspectives of Law, Justice, Rights, and Peace*, INTEGRAL LEADERSHIP REVIEW (Aug. 2018), <http://integralleadershipreview.com/16354-value-systems-and-legal-systems-perspectives-of-law-justice-rights-and-peace/> [perma.cc/3TW2-NSAR] (elaborating in greater detail on systems evolutionary work).

69. Monica Giannobile, *The Evolutionary Purpose of Teal Organizations*, THE SHRM BLOG (Jan. 17, 2019), <https://blog.shrm.org/blog/the-evolutionary-purpose-of-teal-organizations> [perma.cc/AF36-K72R].

Self-Management: Students are empowered to exercise their own judgment. They decide how they schedule meetings, what intake information they need, how they divide responsibilities, what questions to ask the clients, when they have enough information, when they need more from the clients. Self-management refers to one's ability to regulate behaviors, thoughts, and emotions in a way that serves the person and their work. It includes skills like time management, self-motivation, stress management, decision-making, adaptability, goal alignment, and personal growth.⁷⁰ We coach and guide students in thinking through their decisions, but the team exercise is a practice in self-management.

Reflection, Mentoring, & Giving and Receiving Feedback: Students have the opportunity for reflection in a weekly journal. Early in the semester, we also schedule one-on-one conversations with each student, getting context for their lives outside of class and their dreams for after law school. This not only builds community, but gives us context to the students as individuals, and room to discuss specific strengths or struggles that may not arise in a group context.

In the fall of 2021, we introduced the role of volunteer mentors. We had previously invited Integrative Lawyers as guest speakers but saw a possibility for more engagement. Mentorship introduced practitioners to the course—giving them a role and opportunity to work with students—provided increased support to students, and eased the professors' workload. Mentors meet with groups outside of class, giving support and feedback on students' practice skills and well-being in addition to bringing extraordinary skills. We have had two international mediators/diplomats plus mentors with advanced credentials in psychology, wellbeing, and mindfulness. Mentors do not replace the supervisory role of professors, but give students another perspective.

We encourage students to support each other, in and across firm groups, to share ideas, feedback, resources, and drafts of documents. We also utilize self- and peer-reviews throughout the semester.⁷¹ Students learn how to give

70. In this video, Laloux talks about his perspective on self-management: <https://enliveningedge.org/tools-practices/laloux-insights-five-key-processes-self-management/>

71. See, HOOKS, *supra* note 2, at 157 (quoting Ron Shapp) ("Many students feel they could never presume to evaluate their own work positively. Someone else will decide how hard or how well they are working. And so there is already a devaluation of their own effort. Our task is to empower students so that they have the skills to assess their academic growth properly.").

honest feedback, not just platitudes (which are not helpful for case or project development). Authentic feedback helps peers see what they are doing well and integrate ideas to make things even better (e.g., using the K.C. Baker model of fertile listening and feedback⁷²). This also allows students to learn and practice how to be receptive to honest feedback in brave space;⁷³ this class may be the first time they have had such an experience.

Well-Being & Neuroscience: Our work is significantly inspired by scientific findings of human communication, productiveness, meaning, and mental health. It interrupts many aspects of traditional legal practice that contribute to increased risk of anxiety, addiction, and depression.⁷⁴

Students are encouraged to reflect on their well-being and are given skills and opportunities to practice improving it. We use Wheel of Life exercises in self-evaluations⁷⁵; we explore being comfortable with uncertainty and discernment; we allow students to allocate time to wellbeing on their timesheets; we model well-being. As bell hooks writes in *Teaching to Transgress*, "...teachers must be actively committed to a process of self-actualization that promotes their own well-being if they are to teach in a manner that empowers students [well-being]."⁷⁶

Legal Analysis, Practice Skills, and Basics of Contracts: Effective contract drafting prevents litigation. We teach students to question what a contract is "supposed to look like" and develop their skills to think critically and creatively. We teach legal design skills and encourage creative thinking within client interviewing, teamwork, and drafting. Early

72. See, e.g., Loraine Van Tuyl, *WomanSpeak: Shatter your Inner Glass-Ceiling with the Power of your Voice*, THRIVE GLOBAL, <https://thriveglobal.com/stories/three-strategies-to-shatter-glass-ceiling-limitations-and-self-sabotage/> (last visited Sept. 9, 2022) [perma.cc/P9BU-73HS].

73. See BRENÉ BROWN, *A Container for Building Brave Spaces*, DARING CLASSROOM HUB <https://brenebrown.com/dc-gettingstarted/> (last visited Sept. 9, 2022) [perma.cc/HJQ2-MTH3].

74. Wright, a trained coach, developed a lawyer wellbeing curriculum with a behavioral-change neuroscientist, and is co-editor of a forthcoming book to be published by the ABA on trauma-informed lawyering.

75. The Wheel of Life is a coaching exercise, which J. Kim Wright first used as a coach 30 years ago. Its origin is disputed since several sources claim it as theirs. See also MINDTOOLS, *The Wheel of Life: Finding Balance in Your Life*, https://www.mindtools.com/pages/article/newHTE_93.htm (last visited Nov. 5, 2022) (explaining the Wheel of Life concept).

76. See HOOKS, *supra* note 2, at 15.

in the semester, we break down the basics of a contract, including its purpose.

We Help Students Question:

- Why do we use contracts in general?
- Why are these parties coming together to formalize something into a contract?
- What are they seeking?
- How can we help them achieve that?

This is especially key because in our experience, most law students lack a schema upon which to build the foundational knowledge law school aims to impart. Students often feel lost and confused about how to relate information to practical application. We give them a clear framework to use here—and in the future. We are not teaching rote memorization of existing paths or strict adherence to checklists. Instead, we help students think critically about client interviewing:

- Why are you asking for this information?
- Why are you scheduling a meeting?
- What information can you get from a workbook vs. face-to-face?
- Does this question framed this way help get you the information you need?

With each semester, we realized the need for further development of client skills in user-experience. As a result, we have shifted our syllabus around, added different materials, introduced legal design⁷⁷ sooner, and spent more time reviewing and providing feedback. We ensure documents are visually effective, legible, easy-to-read, and engaging for the user. Additionally, we encourage creativity at every stage of the process.

77. We teach students to use the design webapp Canva to facilitate integration of design skills, collaboration, client presentations, and their final work products. *SEE GENERALLY CANVA*, <https://www.canva.com> (last visited Sept. 9, 2022).

Ethics & Role as Lawyer and Consultant: We integrate ethics into our clinic, not just citing the Rules of Professional Responsibility, but asking why these rules are in place, how to integrate them into our day-to-day practice, and how students can develop the courage to “sense and respond”⁷⁸ in difficult or complex situations.

We discuss:

- confidentiality
- virtual practice
- digital security
- sharing documents
- roles when communicating with clients
- scope and scope creep
- representing multiple parties
- trustworthiness
- role of the public citizen
- access-to-justice
- proactive & preventative lawyering

Our students start to understand that the role of a lawyer is more nuanced than the skills of *zealous advocacy*. The role of lawyer as advisor or counselor-at-law involves being able to identify your clients’ voices and goals and effectively use the legal system to help them achieve their aims instead of trying to fit them into pre-existing boxes.

We look at issues that often arise between lawyers and clients. Students learn to think about ethics as not just situations when things go really wrong or there are ‘bad’ people, but rather to inquire why issues tend to arise, winding the clock back further. What are the underlying needs or concerns? How do we communicate in ways that honor and respect clients, and keep ourselves organized and aligned? Students reflect on who they are, how they envision their roles within society, and what it is they want to contribute to the profession.

78. “Sense and respond” is an organizational development term that distinguishes a model of addressing a challenge that is different from the old business model of “predict and control.” Organizational development professionals believe that the rapid change requires the more flexible “Sense and respond” model rather than the rigid attempt to predict and control. See SHOREMOUNT, *What is the ‘sense-and-respond’ model?*, <https://shoremount.kayako.com/article/97-what-is-the-sense-and-respond-model> (last visited Sept. 9, 2022).

Virtual Practice & Professionalism with Colleagues and Clients:

By necessity, we cover professionalism in the virtual practice space, especially as we are all impacted by COVID-19. We help students understand the needs and practices of in-person client work and translate it to a virtual/digital client experience, including considerations of appearance, speech, and client interactions. We distinguish norms from values, helping students craft new visions of professionalism versus what exists because ‘it’s always been done like this.’

We do not teach punctuation or proofreading for the sake of perfection, but rather with an eye to client experience, user interface, and communicating clear expectations. Attention to detail occurs within the context of purpose and real-life consequences. We connect these aspects with the human element: the importance of and ways to convey tone, building trust, the need for time-management, and managing realistic competing pressures.

Iteration & Sharing Techniques: We structure the Clinic so students first practice skills individually, then as a team, and later with clients. By the time clients are introduced, students have already experienced the process twice. With each step, students are required to work and re-work documents 2-3+ times before they are finalized. There is constant sharing of drafts, allowing students to learn from each other. We help students release perfectionistic tendencies and understand real-world collaborative document creation. The goal is not just to get it done and check a box, but to practice, learn, and develop an eye for good drafting.

Encountering Appealing Models of Professionals: We introduce students to new ways of practicing and often invite practitioners to participate in classes, either as speakers or mentors. We open students’ eyes to the diversity of legal practice and cutting-edge developments and technologies. Many of our students say, “I had no idea there were so many ways to practice law!” or “I didn’t know I could do ‘x’ and still be a lawyer!” They uncover dormant artistic skills and gain confidence in human dynamics. We speak to their souls and re-ignite their passions for life and what brought them to law school. We help them see pathways that exist (or are being created) and imagine themselves in this profession without having to forfeit their own identities.

Cultural Competency, Anti-Racism, & Trauma-Informed Practice:

Our students have witnessed a global pandemic, increasing gun violence, police brutality, racial violence, political upheaval, war, threats of nuclear attack, and more. We are all coming into the classroom with trauma. We can no longer be unprepared and unconscious for facing, holding, discussing, and supporting through a broader lens. Learning cannot happen effectively when we are perpetuating harm against our own students, through micro-aggressions or explicit comments. Being aware of who is speaking, when, why, and what they are conveying with that message is very important, and we continue to reflect on those questions when we as teachers are speaking and responding.

We recognize the need, as teachers, to self-reflect and develop language, context, and understanding of racial injustice, white privilege, cultural violence, and trauma. As bell hooks writes, “teaching is a political act,”⁷⁹ and ignoring the politics of teaching leaves us perpetuating the white supremacist norm.

As many of our clients were in other countries, incorporating global cultural awareness into our lesson plan became a necessity, as well as an opportunity for skill development. We worked to illuminate and question our own cultural views, taught students to research and prepare for global communications (including learning about others’ cultures, business customs, and technological challenges), and focused on increasing listening skills and communication with clients who speak differently⁸⁰ (whether through an accent, speech impediment, speaking very quickly, etc.). We have found that most of our students have never worked with a client before, let alone someone not fitting their mold of what a client looks or sounds like.⁸¹ Our Clinic challenges students’ preconceived notions of what is a business, who are business leaders and startup founders, who deserves professionalism, how can people collaborate globally, and more.

79. See HOOKS, *supra* note 2, at 15, 37.

80. This does not apply only to non-local clients, which provides an opportunity to interrupt the bias of speech being a ‘foreigner’ issue, raising awareness for students’ work with future clients.

81. HOOKS, *supra* note 2, at 11 (“To teach in varied communities not only our paradigms must shift but also the way we think, write, speak.”). In this clinic, because our students become facilitators, teachers, and leaders in working with their clients, we had to shift not only the way we teach, but help our students understand how to shift the ways they think about, write to and for, and speak and listen to their clients.

Student Reactions:

“The Negotiation Clinic facilitated the most personal growth I experienced during law school thus far. [...] It embraced a deeply personal and iterative process that fostered true learning. I was pushed to engage disagreement in ways that challenged me, and I experienced the power of the collaborative—rather than adversarial—process. The tools and approaches transcend law school. They teach us to identify our core values and beliefs so that we can engage with others in the most effective way possible while remaining in alignment with our authentic selves.” - Amanda Klay

“This clinic was the perfect, complementary course to further my MBA, into the practice of law [...] I cannot say enough good things about this clinic--it was what my law school soul needed. I can take what I have learned and apply it to every aspect of law. These concepts challenge participants in the clinic to look introspectively, create boundaries, and fulfill expectations based on a contract that is consciously and deliberately created.” - Caroline Raynis

Strategies for Other Classrooms: While we are certainly very proud of this clinic and students’ reactions to it, we hope to contribute ways in which other law schools can learn from our design and bring aspects of Integrative Law practice into their own classrooms. Our specific strategies are not necessarily blueprints for everyone to follow. As bell hooks says, “to do so would undermine the insistence that engaged pedagogy recognize each classroom as different, that strategies must constantly be changed, invented, reconceptualized to address each new teaching experience.”⁸²

In recognition of this, below is a short list of the pieces we feel may transfer flexibly to other clinics and classrooms seeking to adopt a more integrative approach to legal education:

81. *Id.* at 10-11.

- Establish shared responsibility for learning;
- Use significant check-ins in at least the first class;
- Adopt the ACED model for handling difficult conversations;
- Apply the Touchstone values clarification methodology for students' professional identity development;
- Explicitly immerse students in a virtual law practice model;
- Adopt an alternative grading system such as contracting for grades;
- Incorporate greater self-management with clients;
- Invite and train members of the community to take on roles (speakers, subject matter and wellbeing mentors, teachers);
- Offer a course that teaches about the Integrative Law movement and adopts its perspective; and/or

Replicate this Clinic: adopt the Conscious Contracts design and subject-matter; invite a certified Conscious Contract practitioner to teach or co-teach the clinic.⁸³

V. WHY INTEGRATIVE LAW?

Teaching Integrative Law or not is a component of a larger issue of addressing why legal educators should concern themselves with assuring

82. The Conscious Contracts Certification program sets out prerequisites to teaching the model in law schools. We created a mentoring program as part of the Clinic and J. Kim Wright has been leading an additional group of potential teachers of Integrative Law, preparing them to serve as mentors. Mentors serve as teaching apprentices, and several have moved on to co-teach. Thus, Quinnipiac has served as an incubator for practitioners who are certified in the Conscious Contracts® model and wish to teach.

that law graduates are both “practice-ready” and “ready-to-improve-practice.”⁸⁴

In our view, “practice-ready” also encompasses the ability – and commitment – to keep up with developments in the profession and to teach oneself new areas of law, a skill in and of itself. Beyond new developments in substantive law, it also means keeping up with new developments *in the practice of law*. Law students should spend some of their time learning evolving practices, where they best “fit,” and how to track future changes.

A hallmark of clinical legal education has long been the emphasis on teaching professional identity of accepting the rules, norms, and values of the profession *at its best* – that a very important value is the obligation to improve the profession.⁸⁵ In this context, it must mean that students know the history, trends, and *future* of the profession they are joining –and take on the commitment to help shape that future. That is the essence of being “public citizens.”⁸⁶

Studying the innovators who created the vectors of the Integrative Law movement provides an inspiring example of those values at work.

Integrative Law was not developed in law schools, but it can—and should—get nurtured there. It is, for the most part, a product of creative practitioners changing the world in which they toil to make it more satisfying and effective for both them and their clients. The strands of the movement were borne out of the frustration, inspirations, and perspiration of law practitioners and their aim to transform the future.

We believe that law teachers must make student well-being a central learning outcome of our work, in order to create capacity for a healthy profession in the future.⁸⁷ We should help students develop “realistic coping strategies for ...law practice,”⁸⁸ especially the most challenging environments. To do this, we must “nurture the attitudes, habits, and skills

84. This section borrows heavily from a chapter that Carolyn Kaas wrote for Wright’s *Lawyers as Changemakers*, LAWYERS AS CHANGEMAKERS, *supra* note 29.

85. One of the four “Fundamental Values” of the profession is “Striving to Improve the Profession.” MACCRATE REPORT, *supra* note 15, at 141.

86. See MODEL RULES OF PRO. CONDUCT: PREAMBLE & SCOPE (AM. BAR ASS’N, amended 2020), https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_preamble_scope/ [https://perma.cc/254K-HRWT].

87. See, e.g., STANDARDS AND RULES OF PROC. FOR APPROVAL OF L. SCHS., STANDARD 303 (AM. BAR. ASS’N 2022)(requiring law schools to address well-being).

88. BUILDING ON BEST PRACTICES, *supra* note 12, Chapter 4, Section B.1., at 73.

that correlate strongly with long-term well-being and life satisfaction.”⁸⁹ They must become agents of social justice and innovation while in law schools as much as the Integrative practitioners who are working to transform practice. “Rebellious Lawyering” is a respected approach to lawyering both in practice and in law schools;⁹⁰ Integrative Law can help professors “educate as the practice of freedom.”⁹¹

With all we now know, it is not advisable, nor is it moral, to continue to educate lawyers using the same old methods, turn them out into the same old harsh world of practice, and wait for the most frustrated and resilient of them to stumble into the Integrative Law Movement—if they are lucky.

We hope that by now you agree with us: law professors—especially those in clinical legal education—owe it to students and the future of the profession, to embrace the Integrative Law Movement. We are duty-bound to study and understand it, to teach it, and to help it to improve and grow. We should also model its approach in our interactions with our students.⁹²

Legal education must give students the advantages of an inspiring and respectful environment, with new teaching methods and current content and skills, in order to catapult our students into the “new normal” of practice. Just imagine how far they will be able to go with all that momentum behind them. And just imagine all the future innovation they will contribute when they land in the future.

More information and examples can be found at <https://reinventinglegaleducation.com/>.

89. *Id.*

90. *Rebellious Lawyering Conference 2020*, YALE, <https://reblaw.yale.edu/> (last visited Sep. 8, 2022) (Yale Law School’s annual, student-run public interest conference inspired by GERALD P. LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE* (1992)) [<https://perma.cc/5PTU-79K4>].

91. See HOOKS, *supra* note 2 at 13 (“To educate as the practice of freedom is a way of teaching that anyone can learn. That learning process comes easiest to those of us who teach who also believe that there is an aspect of our vocation that is sacred; who believe that our work is not merely to share information but to share in the intellectual and spiritual growth of our students. To teach in a manner that respects and cares for the souls of our students is essential if we are to provide the necessary conditions where learning can most deeply and intimately begin.”).

92. *Id.* at 199 (“If, as Thomas Merton suggests in his essay on pedagogy ‘Learning to Live,’ the purpose of education is to show students how to define themselves ‘authentically and spontaneously in relation’ to the world, then professors can best teach if we are self-actualized.”).