

Social Impact report (2019)



Asociación de **DERECHO**
COLABORATIVO de EUSKADI

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1 LEGAL WORLD IS TIED TO HOSTILITY

As a legal professional, this might ring true for you, too. Like how when you review a contract, you focus on the 100+ provisions opposing counsel might exploit or weaponize. Or in that court proceeding where you feel sad after winning. Or when you notice how quickly a couple or partners call their lawyers when their relationship hits a bump.

The fact is that **most contracts are written from a place of distrust and with no process for resolving conflicts** apart from going to court. Instead of minimizing conflicts, this floods the legal system with hostile matters. In 2018 six million matters were filed with the Administration of Justice in Spain (204,737 in the region of Basque Country)¹. This high volume slows the system down and wastes resources. And 2 million euros are wasted only in compensations due to delays and other unusual situations of the law system. And, what it is worse, citizens feel that Justice does not work: 78% of litigants are “no or little satisfied”². This feeling of vulnerability creates a vicious circle where hostility and confrontation grow.

6 million

New issues in Spanish legal system in 2018

Additionally, lawyers who work in this hostile dynamic pay a high price with their health. The atmosphere and the futility of their work reduce their wellbeing dramatically. Plus, more confrontation generates more “confrontative” business among companies. Consequently, lawyers only have 2 options: escape or adapt. To highlight some key indicators:

x2

Likelihood of suffering depression among lawyers

- 28% of lawyers declare having suffered (or currently suffering) from depression. Twice the rate of occurrence in average society (15%)³.
- 21% of lawyers have consumed dangerous levels of alcohol, as high as 3 times the average rate (6.4%)
- 30% would not go to law school if they could go back in time⁴.

A distrustful and unhappy citizenship, an overburdened legal system, and a pool of burned-out professionals is a human and economic cost too high for our society to bear. These inherent systemic issues will not be resolved from redoubling investment in government. Nor will it be alleviated by drafting more onerous contracts. Nor by beating your opponent to court. Solutions may not come from new public investment reinforcing the current system. Rather, we need a new mindset.

2 M€

Compensation due to delays and other unusual situations

2 IS A DIFFERENT WORLD POSSIBLE?

Fortunately, not every person in the international legal order acts with such antagonism and hostility. Many concepts have emerged and evolved in the last few decades, including: alternative dispute resolution, restorative justice, procedural justice, therapeutic jurisprudence, problem-oriented policing, collaborative law, etc.. While these methodologies⁵ differ from one another in significant ways, they all share a vision for a future that leaves the adversarial and punitive system behind.

¹ Report “Consejo General del Poder Judicial (2018)”

² Data from “Centro de investigaciones sociológicas (2014)”

³ Report: The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys (American Bar Association, 2016)

⁴ Report “Estudio sobre el bienestar de la abogacía en España (ISMA, 2019)”

⁵ More information: Evaluación externa del impacto de la ADCE “Las posibilidades de un modelo de justicia no confrontativa” (Varona Martínez, 2018)

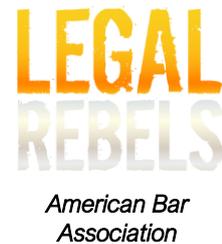
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Unfortunately, this has not yet become a global movement. These methodologies are many and spread far apart, scattered which frustrates the efforts to have a unified, society-wide impact. Lawyers all over the world apply one or some of these concepts. A few leaders are inspired by all of them. However, the fact is that lawyers endeavoring toward a more collaborative legal order feel uncomfortable in a system that perpetuates conflict. It even happens in United States, one of the countries that has historically led the charge for the rule of law and the international legal order.

Even though knowledge may be freely accessible worldwide through the internet, in books, and at seminars, positive changes will dissipate if a solid global movement does not emerge. People leading change all over the world will remain far apart and momentum will dwindle.

3 KIM WRIGHT'S LEADERSHIP

In this sense, the model of J. Kim Wright, one of the pioneers of collaborative legal modalities at international level, must be remarked. Kim earned her Juris Doctor from the University of Florida and has had a prolific career. She has practiced in many new models of law: collaborative practice, restorative justice, therapeutic jurisprudence, Conscious Contracts® and holistic law practice. Kim founded two law firms based on those approaches to law, and several organizations, including [Cutting Edge Law](#), [Forrest Webb Network](#) and [The Renaissance Lawyer Society](#). Moreover, Kim is a coach, speaker, trainer and writer with activities on every inhabited continent. She was distinguished by the American Bar Association (ABA) as a "Legal Rebel" in 2009; was invited to be a TEDx speaker, and has served as a member of the global advisory board of the [International Society for Therapeutic Jurisprudence](#)⁶. She was one of the founders and co-chair of the American Bar Association Dispute Resolution Section's Relational Practices Task Force. In 2018, she was the chair of the Relational Practices Task Force [Virtual Summit](#). Her international community includes thousands of innovative, integrative, and influential lawyers who are approaching law in unique ways.



Kim observed the challenges of law practice and understood very early the urgency of changing the legal system. She started applying the innovative and peacemaking methodologies in her small town in North Carolina in the 1990s.

Kim Wright's tenacity in following her instincts, her generosity to join forces and her audacity to create emergent solutions, have been keys of her success in generating social change. Since 2008 Kim has traveled across the world fulltime to consult with and connect lawyers that are transforming the legal system in their communities (jkimwright.com). And this movement was amplified with the publication of two books, *Lawyers as Peacemakers* (ABA, 2010) and *Lawyers as Changemakers* (ABA, 2016) and Kim's contributions to many books, periodicals, and newsletters.

During all these years, Kim has developed a distributed, connected and multidirectional model to change the legal system, mainly, through the actions of lawyers. Like a bee, she is replicating this model all over the world, using these 3 main principles:

1. **"You are not alone."** In 1994, Kim met Forrest Bayard, a lawyer from Chicago, Illinois, USA. He shared with her about his way of practicing law, a way that granted dignity to everyone in the legal process and which had a unique goal for a divorce lawyer: he aspired to have every divorcing couple remain friends so they could raise their children together. Kim was inspired to know that others shared her vision of law and that she was not alone. Later, she felt empowered through The International Alliance of Holistic Lawyers ([IAHL](#)) where she discovered even more professionals with innovative solutions for the legal system. She

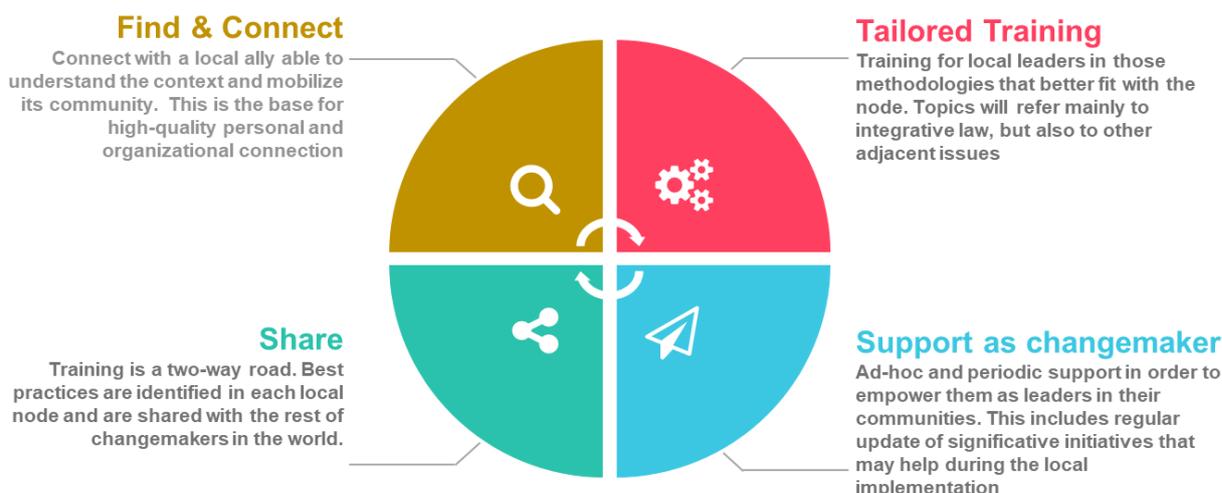
⁶ More information at: www.jkimwright.com y <https://www.linkedin.com/in/jkimwright/>

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realized that knowing she was not alone was empowering and freeing. She thought that other lawyers might have the same experience. Since then, her goal has been to connect the lawyers catalyzing systemic change. She often says, “community creates courage,” and she has watched lawyers build new models and develop law practices, leaning on the support of their colleagues, bolstered by knowing they are not alone. To that end, she pays attention to the development of local communities and their connection with other changemakers in the world.

2. **“You are the leader.”** Kim trusts in the unique ability inherent in every person to understand and change our context. Thus, she (and her methodologies) honor the cultural knowledge and experience of local leaders instead of forcing change from an attitude of supremacy. She encourages local leaders to be the face of the movement, often shrinking to the background as advisor and support, using her fame only as an opportunity to garner attention for the local efforts. She has measurably proven the impact these concepts have had in the USA and beyond with several current leaders, including, for example, Glenn Meier ([Center for Conscious Business Law](#)), and Mariette Geldenhuys ([Ithaca Area Collaborative Law Professionals](#))⁷. She also supports several international nodes in Australia, The Netherlands, Belgium, Italy, Brazil, South Africa, and [Spain](#).
3. **“We all learn from each other”**. Instead of arranging a hierarchical institution, Kim Wright is creating a decentralized movement, where she acts as partner and connector. Each local community receives trainings and shares their knowledge and experiences. Kim is the connector who carries the stories from one place to another. She also hosts global group gatherings to encourage direct communication between the various communities. This cross-pollination has led to independent relationships. For example, forgiveness expert Eileen Barker was connected to the Dutch community and has been leading workshops in the Netherlands; Glenn Meier and Australian Marguerite Picard have also trained in Spain. Everyone in the movement has a story about how Kim has connected them to a significant opportunity.

With these 3 principles, Kim Wright has built a recipe for success, maximizing the opportunities for each local node. She has developed a movement that reduces unending conflict in the legal system. It is based on the following 4 steps:



⁷ More information and references at: <http://jkimwright.com/the-j-kim-wright-experience/>

4 ADCE: TRANSFORMING THE LEGAL SYSTEM IN BASQUE COUNTRY (SPAIN)

The Collaborative Law Association of Basque Country, *Asociación de Derecho Colaborativo de Euskadi (ADCE)* was founded in 2013 by María José Anitua. ADCE is a public-private collaboration aiming to **promote and encourage a new concept of justice**: non-confrontative and collaborative. On the cusp of the wave of global change, ADCE **uses collaborative law as a tool of innovation and social justice**.

In 2016 Kim Wright started supporting ADCE and has been key to ADCE's evolution. For example, in addition to offering training and advice, Kim was influential in showcasing ADCE's work in the international legal community. She highlighted our work with public entities and our innovation in using design thinking in our processes. As a result, ADCE has been invited to present our success stories in seminars at the International Academy of Collaborative Practice (IACP) and the French Association. Other internationally-renowned experts have trained in Spain, like Linda Álvarez and Glenn Meier on "Conscious contracts", Lainey Feingold on "[Structured negotiation](#)," and Frederic Laloux (Author, [Reinventing Organizations](#)) on new organizational concepts.



Today, out of ADCE's 150 affiliate members, 2 out of 3 are lawyers. Although our scope is focused on the Basque Country, the quality and quantity of our work has made ADCE the leading authority on Collaborative Law in Spanish-speaking regions, including Latin America. Indeed, 36 affiliates come from the rest of Spain and countries in Latin America. ADCE trainings draw participants from around the Spanish-speaking world. ADCE has also collaborated outside Basque Country, including with leading organizations in Madrid, bringing Kim Wright and Linda Alvarez to speak and train in places like the Madrid Bar Association and [FIDE Foundation](#).

4.1 ADCE ACTIVITIES

ADCE attracts, trains and supports people in Basque Country who want to build an alternative to the confrontational legal system. Toward that end, during the last 6 years our work has focused on the following activities⁸:



- **Dissemination**: Messages about collaborative law are spread through newsletters, online, and events. This attracts people as affiliates, allies or clients.



- **Training**: We arrange workshops with innovative and effective methodologies, facilitated by international experts in diverse fields, such as: negotiation, listening, conscious contracts, collaborative law, etc. There are basic and advanced workshops offered across Basque Country.



- **Peers support**: Following the trend in the United States, we have launched numerous support groups for lawyers and legal professionals. These support groups work to align the dissemination of knowledge and help practitioners learn how to adopt the techniques and



⁸ More information can be found in the annual reports: <http://www.derechocolaborativo.es/cuentas-anauales/>

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concepts in their daily practices. There are currently four support groups that focus on different themes, such as *Family* in Vitoria-Gasteiz and Bilbao, *Conscious Contracts* in Vitoria-Gasteiz and another one on *Workplace Harassment*.

- **Social impact initiatives.** We believe that new projects are more likely to be successful if they are conceptualized and launched by members and allies. They are often more adaptable and better understand the real needs of participants. Additionally, ADCE can better maintain neutrality while offering structural support to new projects. We help in training, disseminating, and forging connections to achieve initiatives like: “Conscious Rental Housing,” “Digital Accessibility,” “Working Balance,” or “Generational Transition in Companies.” Until now, most of these initiatives have been led by [Arteale Foundation](#), Fundación Arteale, also an organization founded by María José Anitua. María José has recently completed her term at ADCE and is focusing her efforts on Arteale.



“Conscious Rental Housing”

Fundación Arteale, has demonstrated that a conscious contract process removes the impediments for refugees applying for rental housing. This benefits owners, neighborhoods and society. Scalability phase has just started.



In June 2014 Basque Parliament unanimously approved a motion **urging Basque Government to support** the adoption of Collaborative Law. Plus, we received the support of the Ombudsman.

- **Systemic change:** ADCE is also committed to involving stakeholders. Government agencies and the judicial system can both serve as effective catalysts by removing barriers and implementing systemic change internally. Moreover, ADCE tries to collaborate with foundations, associations, networks and enterprises since Collaborative Law can be applied in many other different fields.

4.2 LITTLE BY LITTLE, IMPACT IS CREATED

Though it is crucial that public entities and private entities commit to this change of mindset, ADCE’s main focus is the progressive transformation of lawyers. This measured, targeted approach will create lasting change. When lawyers change, clients change, since collaborative processes satisfy their need to be heard in a non-confrontative process and pursuit of agreement. Through simple word of mouth, grass roots strategies appear as a solid force that create conditions for systemic change.

It must also be said that this is not an easy task. ADCE lawyers must often swim upstream, with little mainstream consciousness about Collaborative Law and while navigating institutions that are still entrenched in conflict. However, through offering trainings and peer support groups, we are demonstrating that, little by little, impact is created. Collaborative Law (hereinafter CL⁹) is being utilized by more practitioners and in increasingly higher numbers of cases to bring the legal institutions into alignment with the principles of CL. This is a tremendous achievement, considering how many new lawyers must be also trained, and considering how every change generates new and resurgent forms of resistance.

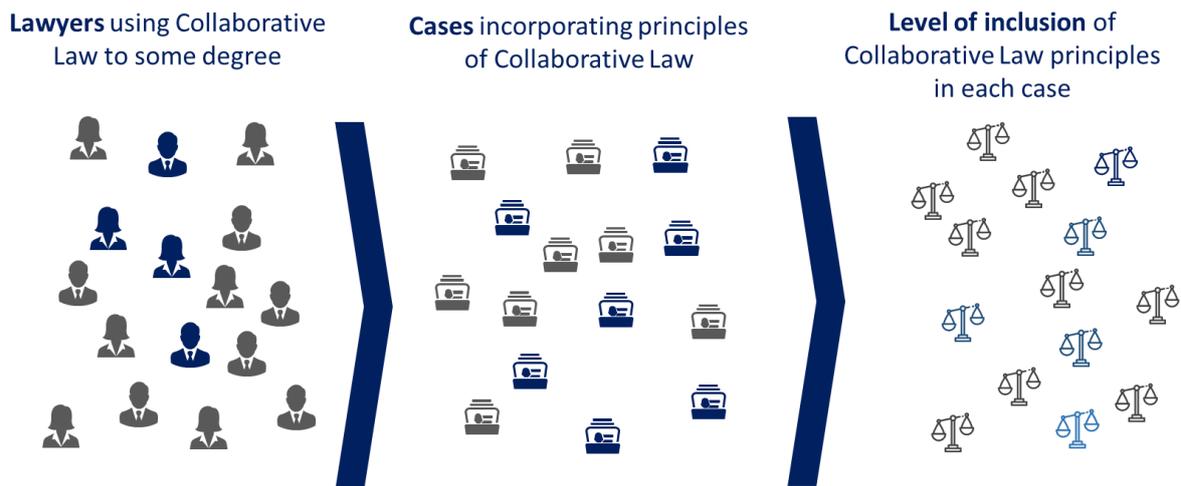
Thus, a gradual shift is happening in three dimensions:

8.7/10

Average satisfaction rating
by training attendees

⁹ Using the term Collaborative Law refers to all non-confrontative methodologies without having to name each one repeatedly. We also learn from and incorporate concepts from other areas, such as Integrative Law, and Restorative justice.

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Moreover, CL processes have a meaningful effect on clients when a conflict must be solved. And, also, when a new agreement needs to be achieved. In contrast with the traditional confrontational process, CL:

- **Reduces anxiety, dissatisfaction and exasperation.** When a new agreement is reached in absence of conflict, the process generates trust and maintains excitement.
- **Increases the likelihood of reaching an agreement.** And, once agreements are reached, they are more sustainable and better suit the needs of every participant.
- **Avoid future conflicts.** Apart from having a more solid base, the process establishes the procedure and prepares clients to manage conflicts on their own.

Moreover, we create a nourishing community for legal practitioners. CL generates a positive impact in lawyers by:

- **Improving their wellbeing** due to a higher feeling of purpose with their work and the reduction of conflicts.
- **Improving their business** by offering a higher quality of service and generating a new business line. Collaborative law leads participants to more quickly reach agreements that align with everyone's needs.

5 ADCE IMPACT

5.1 RESOURCES

Over the past six years, ADCE has invested resources to establish the cornerstones of the entity. A top priority has been attracting lawyers and other professionals through events, workshops and peers' groups. Another focus has been to enroll new and diverse stakeholders to collaborate on social impact initiatives. This has directly resulted in an increase in membership (from 70 in 2013 to 150 in 2019). Truly, the most impactful change is evident in the shift in the manner in which collaborative professionals practice, achieving success cases and creating a network to grow in new areas.

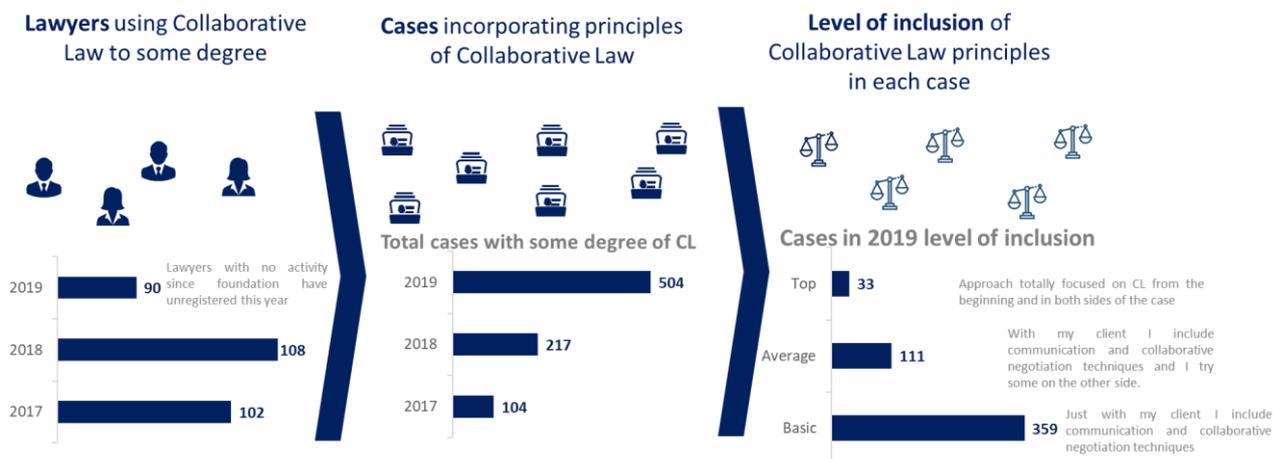
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2013-2019



5.2 TRANSFORMATION IN LAWYERS

Outcomes achieved through lawyers have improved. In 2013, only one case was conducted utilizing CL principles, with this first case involving the first two collaborative lawyers. In 2014, that increased to 15 cases, involving many more lawyers. The tenacity and enthusiasm of lawyers have resulted in a greater impact across all three dimensions, discussed below¹⁰:



Now, 53% of ADCE lawyers' cases utilize CL principles to some degree, more than doubling the utilization reported in previous studies in United States¹¹. We can see from data that lawyers can incorporate basic CL principles very quickly with their clients. And, little by little, they start to use these principles with opposing counsel, even if the other client does not request it and the other lawyer is not trained (22% of total CL cases). When both clients request a CL process and both lawyers are trained in CL, Top Cases appear. Although they are a small percentage, rates have been doubling since 2014.

Moreover, data shows how gradual change is happening in their portfolio of cases. **Half of them have one or more Top Cases** (25% in 2018) and **nearly all of them have Basic and Average Cases** (39% in 2018).

¹⁰ Data from ADCE questionnaires. In "Level of inclusion," we do not have comparable data from previous years. There is some information in 2018 but in a worse distribution: Top (30 cases), Basic (187 cases).

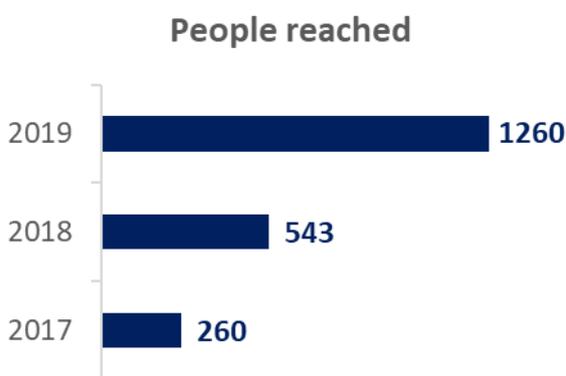
¹¹ Report "Collaborative Lawyering: a closer look to an emerging practice" (2003)

5.3 OUR IMPACT IN SOCIETY

As lawyers have evolved, we have been able to effectuate systemic change for all participants in legal systems. Citizens discover a new way of reaching agreements and solving disputes. The most measured successes have been documented in the practice areas of Family Law and Business Law, however other practice areas have also experienced marked transformation.

Improved outcomes for participants are readily observable by lawyers and have been previously documented, including¹²: better communication, both sides are less stressed, needless suffering can be avoided, etc. So, each case, large or small, is a seed that helps CL grow and spread. If these CL *seeds* increase in numbers, more people will demand it, new lawyers will be willing to be trained, and the system can change faster as a whole.

We go step by step, but these are the victories that we have achieved so far:



"We have prevented suffering and am proud of having shown to my children that problems can be solved without fights"

User of CL in a divorce

Regarding efficiency of agreements¹³ based on Collaborative Law, **a higher proportion of agreements** have been documented, **improving the amount in a 60%**¹⁴. And it has been clearly proved that parties are not in a weaker position for negotiation¹⁵.

5.4 IMPACT IN LAWYERS' LIVES

Obtaining benefits in lawyers' lives is a cornerstone in the ADCE solution. It offers significant value to professionals that must go against the grain and encounter many disadvantages. Improved outcomes in their wellbeing is clear: lawyers find meaning in their careers when they operate within a CL paradigm. Additionally, stress and anxiety decrease, even if they do not apply Collaborative Principles fully in all their cases¹⁶.

¹² All the quotes in this report are from real cases where ADCE lawyers were involved. These and more testimonials are included in the report: "Evaluación externa del impacto de la ACDE, Gema Varona, UPV" (2018).

¹³ We only have qualitative data about the impact on customers, both from ADCE and from other studies. From 2020 on, we will have qualitative data from our lawyers' clients, since a new questionnaire has been developed.

¹⁴ Data from the report "Collaborative Law in England and Wales, 2009". Agreement rates went from 50% to 80% under Collaborative Law principles. Other studies show even higher rates of success.

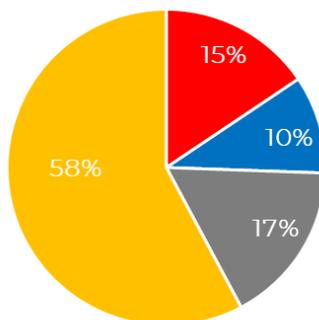
¹⁵ For more evidence, see "The Emerging Phenomenon of Collaborative Family Law (CFL): A Qualitative Study of CFL Cases, 2004."

¹⁶ Analysis conducted by ADCE professionals and included in the report: "Evaluación externa del impacto de la ACDE, Gema Varona, UPV" (2018).

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To what extent CL has provoked a change in your contentment or wellbeing? (among trained members)*

- No real change
- Concept is very interesting
- I find it useful on my day-to-day
- Moreover, my wellbeing has improved



58%

Of trained professionals perceive a significant improvement in their wellbeing*

Finally, it must be said that CL is good for business, too. **81% of ADCE lawyers perceive a significant improvement in the quality of service they are able to provide.** Mainly because customers feel heard, stress is lowered, and agreements are reached sooner and in a more efficacious manner. Plus, they generate new incomes for their businesses.

"I pay more attention to my customers and their needs; consequently, better agreements are achieved"

ADCE lawyer