The Bubble in the Spirit Level

We are in a part of the world, and at the close of an era, that has been imprinted with the myth of perpetual growth. We were born into this myth, and it surrounds us. I am tempted to say it is in our blood and in the air that we breathe, tempted to say this because it is the easiest cliche to use when we want to speak of something that is all pervasive. And certainly the material residue of this explosive growth can be found in our blood and in the air we breath.

Perhaps more invidious, the myth of perpetual growth has invaded our imagination. It defines how we think about things:

Go big or go home.
Good better best, never let it rest, til your good is better and your better is best.
Supersize
Upscale
upgrade

And yet, all of us have deeply experienced this truth: The things that matter most can never be measured.

These are some of my thoughts, as I have carried these questions with me, "What does 'taking it to the next level' mean to us, as Collaborative Practitioners?" Does it look different for each of us, or is it the same? Does it depend on our skill level or is it more innate?"

So I have thought, metaphorically, how do we conceptualize "taking it to the next level?" Perhaps a ladder, but a ladder is a bit tedious. It implies a one-step-at-a-time climb, slowly ascending a level at a time. Then, reaching the top, you do your job and descend. You might need the ladder another day, but in the meantime you go about your life. You don't think about the ladder. You certainly don't carry it with you.

Then I started thinking about climbing mountains. Perhaps this was a metaphor we could use. I was sixteen the summer my family climbed Mount Fuji. We hadn't been in Japan long, could not understand the language, other than please, thank you, and where is the bathroom? However, someone had translated for us the Japanese saying, "All Japanese must climb Fujiyama once. He who climbs it again is a fool."

I grew up hiking and back packing. Fuji was a day trip, so we didn't carry backpacks. As climbs go, it promised to be an easy one. At the base of Fuji, everyone was buying walking sticks; long and straight, the pale blonde of pine. With five kids, my parents had never been given to spending money frivolously. But we were in Japan to live as

the Japanese did, and everyone was purchasing a walking stick so we each got one as well.

For those of you who haven't climbed Fuji, affectionately called Fujisan by the Japanese, I will describe it for you, so you can cross it off your bucket list. The path is switch backs, zig zagging up the side of the mountain. It was summer, the switchbacks dry and dusty, the weather hot and humid. And it was crowded. In all the hiking we had done in California, we had never had a crowded hike.

Fuji had been turned into a commercial endeavour. As we zig-zagged up the mountain, every fifteen minutes or so there would be a small, rickety shack with a vendor. The vendors sold pop, mikan, the small, sweet Japanese oranges. Candy. Cold soba noodles. And for a small fee, he would burn a brand into your walking stick. Each brand was a different Japanese kanji character. We had no idea what the characters meant. The brands were heated on small charcoal hibachis, and ceremoniously held against the pale walking stick, an imprint that each of us had made it to the next level. We paid the few yen for this and continued our climb. A few more switch backs, another brand, another level.

My brother and sisters and I were hoping that when we reached the top it would, somehow, be magical. We had seen pictures of Mount Fuji, with the crater gracefully cloaked with snow. We were hoping it would invoke something in us, akin to the majesty of these pictures.

We were setting ourselves up for disappointment. In the heat of summer there was no snow, even at the top. It was dry and gravelly. There was a long row, like a street of concession stands, selling more overpriced food, drink and souvenirs. Here at the top, a group of Buddhist monks were the ones that held the brand for the walking sticks, as if to add special weight to having reached the highest level. We stood at the edge and looked down into the great crater. It was deeply littered with garbage. All of the waste accumulated from the food and drink bought on the way up by thousands of people was spewed all over the ground, and deep down the inner flanks of the crater.

We understood the Japanese proverb a little better. For me, the only thing transcendent about being at the top of Mount Fuji, was knowing it was all downhill from there. We took the way less travelled going down. A path of sorts, through the stony lava field. Running and sliding with abandon, laughing as we shredded our sneakers with the sharp protrusions of the cinders. Taking it down a few levels was way more fun than taking it up to the next level.

"Well," I thought. "Maybe Fujiyama isn't the best example of taking it to the next level. How about Everest? That's about as high as you can go. You need to be in shape, you need to be prepared, you need to be fit, and you need to be skilled."

As I thought about climbing Everest, I thought about a picture I had seen, by Ralf Dujmovits, of people roped together, ascending Mount Everest. Everyone with their own tank of supplemental oxygen, Depending on their guides, and on the work done by the Sherpas. The Sherpas who carry the gear, who ascend dozens of times to set up the camps, to set up the fixed ropes and the bridges across the ice fields. The Sherpas, the most skilled and most fit, who are paid an average of $5,000 for an entire season's work. The Sherpas lead up those who have paid $50,000 to $100,000 to a company to be guided up Everest. Sixteen of these highly skilled men were killed at the start of the 2014 season, working to prepare the way for those who wanted to take it to the highest level they could.

I remembered reading that reaching the top of Mount Everest wasn't actually the most dangerous. It was during the descent that many people died. And, like Fuji, the garbage left behind litters the mountain.

At this point I thought perhaps I was chasing the wrong metaphor. Maybe I should think, not about 'taking it to the next level' but about the word 'level' itself. What does level mean?

We live in a house in Vancouver that is over a hundred years old. I assume that, when it was built, it was level. But over the decades, a variety of owners decided to do things like enclose the porches to increase the size of the house. Porches with foundations designed for a porch, not to hold up a house. Or, as my husband explained to me, no foundation at all, except the remnants of a rotting timber. We had one winter when, every time we wanted to close the back door, we had to reach down to a jack my husband had installed under a corner of the house, and give the lever on the jack a few good pumps in order to elevate the house enough to be able to close the door. My husband has since put in new foundations. Thank goodness he is very particular and always makes certain things begin level. One of the things he has taught me is that, not only is it important that the foundations are level, and the floor is level, but the verticals as well. If anything is not level, the problem magnifies as you go higher. What he uses is a spirit level. I used to think it was just called a level, until I came across a slender book of poetry written by the Irish poet, Seamus Heaney, called The Spirit Level. When I thought of those two words, 'Spirit Level', I knew I had the right metaphor for our deep work as collaborative professionals. The words themselves resonate with reverence, with serenity. I decided to look for the particular poem, hoping it would give me some clues, as to what it means to transform as we do this work. I was a little disappointed. It was a light, tongue-in-cheek poem, where a young Seamus's father says to him:

> Run, son, run like the devil
> And tell your mother to try
> to find me a bubble for the spirit level.

This wasn't going to be quite so easy. Not even Seamus Heaney was going to give me a simple answer to my question: "What does it mean, as a Collaborative Practitioner, to take it to the next level?"

I carried the phrase, "the bubble in the spirit level" with me for weeks. I held a spirit level gently, and watched the bubble move, watched it adjust with each movement of my hands. Watched how it always maintained its whole, and found a new place to rest. I marvelled at how something so simple, with such ease, could seek out what it means to be level. Over and over again. Without fanfare. Without high-fives. Without exaltation. It is the way of being of the bubble in the spirit level. It adjusts to everything, even the greatest dis-equilibrium, without ever losing its essential quality, its integrity. If we pay close attention to it, we can maintain level. Which is what is required to then build the next level, and for the whole to be level and sound.

If this can become a metaphor for how I maintain myself, as a Collaborative Practitioner, what are the building materials that help me construct this home that is Collaborative Practice? I will speak to five of these, although there are many.

Committing to Collaborative Practice.

Complex Problems, and how these relate to Collaborative Practice.

Noticing what is emergent, and how this relates to conflict.

Resisting the temptation to blame.

And reflection: Understanding that most complex relationship of all, my relationship with myself.

I **will start with committing to Collaborative Practice**, because without that commitment we have no work.

I remember reading somewhere that in order to know what is important to someone, look at how they spend their time. I remember getting very defensive (always my first clue that something is hitting a chord I would prefer to ignore). I thought, "well that`s not true. I have all these things I want to do; things that are important to me, but there just isn`t that much time." Slowly, the truth of this settled in to me; what was really important, I would make certain I fit into my life. Anything I told myself that I felt passionate about, that I wasn`t making space in my life for, was a form of self-deception.

Since work is such a central part of our life, since it devours so much of our time, it is one of the easiest places to bring this to bear. What is it that you are passionate about, and how are you going to shape your work to feed your passion?

I have had the privilege, this last year, of co-leading the IACP Leadership Academy. My favourite activity has been the opportunity for one-on-one phone calls with each of the members of the Academy. One of the women in the Academy was telling me about how she left a position at a large, established firm, working with people she cared for, and moved to a small firm where she could concentrate on building a Collaborative Practice. I asked her if it was difficult or scary taking that leap.

She replied, "My heart was calling me loud enough that I was ok."

This is a woman who has learned to listen to her heart and to follow its call. This is not an easy thing to do in a loud world, full of distractions. How do we become still enough, attentive enough, to hear the calling of our own heart? In a world where we are bombarded with information, a world full of 'shoulds' and 'should nots', how do we even still the noise sufficiently to hear the sweet whisper of our own heart`s calling?

Each and every one of you care enough about Collaborative Practice to have taken two days of your time to come here, in the glory of summer, to learn more. You are the ones that this work is calling. For each of us it may call for different reasons. For the lawyers in the room, I know, having litigated for years, the toxicity of framing the end of a marriage in an adversarial manner. The world has enough heartache already. Enough blame, enough destruction. This is a calling whose time has come: to want to be a part of a world where each of us does what we can to help normalize the good divorce.

If it is a calling whose time has come, if we are living in a time when this is what is needed, and I deeply believe that this is so, what can each of us do? I believe it starts right here, individually, with our own commitment.

It does not mean that Monday you return to the office and say, I am only going to do Collaborative cases. But you can, on Monday, go back into your office and say: "I am going to commit to settlement work." The next new client who walks into your office, you can tell her, "I don't take litigation clients any more. If you want to work with me, this is how I work." Explain that you have crafted your practice to meet the needs of the 95% of families whose cases settle. Tell this client why, if she were your sister, you would encourage her to use Collaborative Practice. Listen closely to what is most important to your new client, and let her know how collaborative practice can support her needs. Remember that you are the expert in process, not the client who walks in the door. If she is paying you for your expertise, be bold in sharing your process expertise with her.

Not every single client who comes into your office in the next year will choose Collaborative Practice. Yet I suspect you will discover what I discovered when I did this in 2001, and what those lawyers who are doing lots of Collaborative work have discovered: almost everyone who comes into your office will say, "I don't want to go to

court." Your practice will build into a settlement practice, and Collaborative Practice will form a significant portion of that settlement practice so long as everyone in this room follows through on their commitment to normalize the good divorce.

I call it the dry sponge theory of life. If you throw a saturated sponge into a bucket of water, it can`t absorb any more water. If you wring the sponge out, and then throw it into the bucket of water, it will immediately fill with water again.

Aligning who you are with only doing settlement work, is the wringing out of the sponge. So long as you have the courage to do that, your new practice will build. And as each of you build settlement practices, Collaborative Practice will build and flourish amongst you.

I know lots of lawyers who say, "I don`t want to litigate any more. I wish I had more collaborative work." These are all lawyers who have not committed themselves to limiting their practice to settlement work. They are the lawyers who expect the work to come first. These are the ones who expect the change to come from outside, to walk in their door. Every lawyer I know who has committed to only doing settlement work has a full and busy practice.

For the mental health practitioners and the financial specialists, you are in positions to educate the world. To do the on-the-ground work of normalizing the good divorce. Many people choose to go to you first, to go to you because they are concerned they will lose control of their lives if they walk into a lawyer`s office. You can let people know there is another way to transition their family at the end of a marriage. You are in a position of leadership in your own professional communities, to broaden the conversation about the good divorce, to educate your colleagues about the strengths of Collaborative Practice in supporting men and women in difficult times, and in making the future brighter for children. Collaborative Practice will grow so long as each of us commits to listening to, and heeding the calling of our heart.

The turning point, for me, in my conversion to settlement counsel, was when I recognized my own hypocrisy. I told clients that I was committed to settlement work, and then I realized I was giving my remaining litigation files priority over my settlement files. I also noticed that all my colleagues did the same thing. If someone set a court hearing on the date of a four way, I would cancel the four way. If I had to prepare an affidavit and I had set aside time to draft a separation agreement, I would use my separation agreement drafting time to draft the affidavit. Litigation creates its own urgency, its own demand, and so long as we partake in it, it structures our practice.

I realized, as I faced my own hypocrisy, that if I were truly committed to settlement practice, to providing the best, most timely service to my settlement clients, I could not take on another litigation file. The litigation files, I knew, had their own power to highjack my time and my commitment. For me, to be the bubble in the spirit level

requires this full commitment.

Complex Problems

There are three significantly different types of problems: simple, complicated, and complex. A simple problem is the kind of problem they gave us in woodworking class or home economics when we were in high school. Given a set of instructions, materials or ingredients, and tools, anyone can follow the instructions, over and over, and produce the same result, be it a dozen chocolate chip cookies or a small box to give your mother on mother's day. A more complicated problem (sometimes referred to as a "technical problem") is producing an electric car. This involves combining expertise, training, materials and sophisticated, planned interactions between parts of teams. Once all these variables are mastered and brought together in the same way, given the requisite expertise, materials, and skills, an electric car can be built, and the process can be repeated. Complex problems invariably involve relationships. Since I spoke of Everest earlier, let's use that as an example. Guiding a group up Everest is a complex problem. You cannot follow a set of rules or protocols and be guaranteed a similar result. There is always uncertainty of outcome because relationships are involved. With Everest, not only relationships between the people paying to climb the mountain, who each bring their own complexities, but also between the companies and the Sherpas, between the government of Nepal and the guiding companies, and also the weather, the ice, and the mountain itself.

Complex problems have three characteristics that make them distinct from complicated or technical problems.

Complex problems are emergent. This means that, despite planning, something new emerges from the interactions of the participants.

Complex problems are subject to a constant flow of information between different parts of the system which requires people to constantly adapt their behaviours.

Then, as individuals adapt their behaviours, these interactions give rise to new information and a new emergent phenomenon. This makes straight-line thinking impossible for resolving complex problems.

As Collaborative practitioners, we have delved deeply into the foray of complex problems. Collaborative practice depends on skills and expertise but is deeply informed by relationships. Remembering that this is complex work does not make it easier. It means that, while skills are extremely important, our awareness of all of the relationships is equally important. I am not speaking only about the relationship between the spouses. This includes, of course, the relationships amongst the professional team, between the professionals and each of the spouses, and sometimes the relationship with others who are not in the room. The relationships that clients have

with family members, with friends, and sometimes, even with their hairdresser.

A system is like a mobile. If you move one piece of the mobile, all the other pieces will move. Systems self regulate. If we look behind the work we do, to our professional groups, these too are systems. The American Bar Association voting against the endorsement of the Uniform Collaborative Law Act was a systemic response. The support of the passage of the Act in different states is another systemic reaction creating another change. Each of us saying, to our partners, to our professional colleagues, to our Collaborative colleagues: "I am going to do what I do best, work as settlement counsel. I believe in this so strongly, I am no longer going to take litigation cases. I am no longer going to negotiate within the litigation paradigm." This action will also create systemic change.

We can change a system. It is, in fact, only through the actions of those in the system, and we are in the system, that the system will change. In fact, we do change a system every day, we just usually are not aware of it. Even when we are aware, when we hold a strategic intention, we cannot know how the system will respond.

This applies to all our work as Collaborative Practitioners. It is what accounts for what Stu Webb calls the "Magic Moment", that moment when suddenly a solution appears; a path through the woods emerges. A colleague of mine, Dr. Susan Gamache, likes to use the game of snakes and ladders as a metaphor for Collaborative Practice. We may think we are almost at the end, and suddenly a snake appears and down we go. Or we may think we are hopelessly mired in impasse, and something shifts, a ladder appears and we are almost done.

Conflict arises out of systems, out of the perception of incompatible differences. Every summer, my three oldest grandchildren come and spend time at our wilderness property. We call it "Camp Doriston." Two years ago, the three of them made bows and arrows out of sticks and string. Every morning, they would crawl out of the tent, and, still in their pajamas, get their bows and put them over their shoulders, get the quivers they had fashioned from cardboard and put the quiver over their other shoulder. The quivers were full of arrows made of sticks; some straight, some not so straight. Last year a friend gave me some arrows that he had. Straight arrows, notched and with feathers on the end. My oldest grand daughter arrived a day before her two cousins, and I gave her one of the arrows to try. She stood on the little bluff above the ocean and would shoot as far as that arrow would fly. Then she would scurry down to the beach, bring the arrow back to the top of the bluff, pull back her bow and shoot again. This kept her busy for a long time. Then, thoughtfully, she came to me, clutching the straight arrow, and said, "Nana, do you have only one arrow?" I assured her I had three. "Boy, I'm glad," she said. "Because if you had only one, Dorian would get it." Dorian is the youngest of the three, and I didn't understand why she figured he would end up with it. So I asked her, "Why do you think Dorian would get it?"

"Well," she said. "If I had it and Cameron and Dorian saw it, they would get all competitive. So I would just walk away and leave them with it. Then Dorian would cry and Cameron would give in and give it to him."

Skye was nine when she told me this, and she had mapped out the conflict pattern between the three of them. A stable system can be predictable. But as soon as one part of the system changes, as soon as Skye decides she is going to rise to the competitiveness of her cousins, or Cameron decides that Dorian crying won't get him his way, then each other part of the system will adjust. This is why our work as collaborative practitioners is complex and unpredictable. This is why we need to pay such close attention to all the relationships we are working with. Every time a piece of the system moves, the bubble in the spirit level adjusts.

Watch for what is Emergent

So here we are, deeply involved in systemic change. Our urge is to want to simplify, to break things down into learnable skills. Practice reframing. Practice asking curious questions. Practice reflective listening. But Collaborative Practice, though valuing all these skills, requires more. It requires that we watch for emergent phenomenon, stop to reflect, and then change course if necessary. This seems counter-intuitive to those of us who have been trained to work in a very linear way. The old negotiating dance of positional bargaining is offer, counter-offer, and response. The average number of moves in studies of positional bargaining is two and a half.

Interest based bargaining, on the other hand, often gets big and messy before it gets refined. Interests, often different, sometimes hidden under positions and difficult to ascertain can appear divergent. It gets messy sometimes as we approach the emergent stage, we sometimes have no idea how we will come to solution. And then, as we continue to work in that emergent stage, things begin to converge and it can feel miraculous that a resolution has emerged. One client described it to me like this, "Now I know how Collaborative Practice works!" she said, as we were getting ready to sign an agreement after months of difficult and painful collaborative work. "It is like water going down the toilet, it goes around, and around, and around, and then it's gone." Despite our protocols, our processes, our stages, there is nothing linear about our difficult negotiations.

Our brains are wired for certainty. We seek what we know, even make adjustments to fit with what we know, to increase our sense of certainty. The feeling of certainty is its own reward, it settles us, regardless of whether or not the aim of our certainty is in fact correct. We are not trained to watch for what is emerging. Yet this is where our greatest learning can happen. I don't know all the interactions that brought each of you into this room, today. We do know that the simple act of Stu Webb, in 1990, saying to his clients, "I won't litigate any more," began to change a system, and from that single event, actions and reactions have brought each of us here.

If we look closely at our collaborative cases, our successes and failures, we can trace our systemic interactions and what emerged. Some of our interactions are planned, some not so much. Sometimes it is our protocols, sometimes our skills, sometimes our intuition. And sometimes it is simply our folly or our own mindless reactions. How did I react last time we were deeply mired in impasse? What emerged from my reaction? Was there a different path I could have taken? What may have emerged if I had taken that path? How was the team working together? Ken Cloke has a wonderful saying, "Impasse is the natural resting place of conflict." Just thinking about impasse in this way allows us to stop and see it as a natural part of conflict. Allows us to stop, take some time, and see what may emerge.

Our greatest learning comes from taking the time to reflect and gain knowledge from each of our interactions. This means that we must elevate thinking and reflection to a cherished act of doing. Not just for ourselves and our own development as Collaborative Practitioners, but also as a team on each case, and as a practice group. This is the seat of our deepest wisdom. But it only comes through attention, reflection, and the courage to share our reflections and listen deeply to what others have to share. The attention of the bubble in the spirit level.

Blame will emerge – proceed with caution.

When Brenee Brown gave her keynote at the IACP forum in Chicago, she said: "Blame is emotional discharge." There are a lot of things I don't remember. But that sentence stuck with me, and I have, ever since, observed blame through a different lens. I have watched my own relationship with blame. I have seen how, before I blame, some emotion in me is triggered. I have watched how blame is my awkward attempt to rid myself of the emotion that is rising within me.

Last year, on the way to San Antonio for the IACP Forum, I thought I would be proactive and look at the terminal map for Dallas airport before I got off the plane, and locate my departure terminal. I was leaving from Terminal E, so I looked at the map to figure out how to get from the terminal I was arriving at to Terminal E. Easy. Got on the shuttle, went the requisite number of stops, and went to Gate 14. There was hardly anyone there, but it was still awhile til the flight. They hadn't even posted San Antonio on the flight board yet. After about fifteen minutes, and the flight board still didn't say, "San Antonio," I walked over to the monitor that lists all the departures. Yep, San Antonio, Gate 14. I went back and sat down, and started thinking, "I guess the flight isn't very full, there are only a few other people sitting here." As the flight time came closer, and the flight board still did not say San Antonio, and there were still only a few people sitting around me, I began going back and forth between my seat and the departure monitor a little more often. Yep! Gate 14! I would go back and sit down, but with each trip to the monitor and back, I was feeling more and more uneasy. A little emotional discharge was called for, so I had a small thought about what a poor job the airport did listing the flight on the flight board at the gate. Finally, as my flight time was imminent,

and they still had not called my flight, in fact, there wasn't even anyone at the station, I went back to the monitor again. E 14. My stomach got a little queasy. Really, E 14? I went back to where I had been sitting, B 14, clearly marked at the gate.

By the time I raced to the other end of the terminal, my flight had left. I spent hours on the stand by list, before finally getting on a flight. When I arrived at the hotel, I met a friend there and was telling him about how I spent over an hour sitting at the wrong gate. "Oh," he said, in an effort to console me. "I'm sure they didn't have it listed very well on the monitor, or the gate wasn't marked well."

"Oh no, it was completely my fault," I said. "The monitor said E 14 and I was sitting at a Gate, clearly marked B 14."

"Ouch," he winced. "It's always so much easier when there is someone else to blame."

So true. But other than emotional discharge, blame does not play a particularly helpful role in our lives as Collaborative Practitioners. In groups, it encourages us to conspire. Voiced, it begets more blame. Blame digs the trenches where impasse grows. As Margaret Wheatley, the activist and wise systems thinker says: "We know that all problems have complex causes. We do not place blame on any one person or cause, including ourselves." Taking responsibility is not blaming; taking responsibility is important and how we learn.

One morning, inspired by Margaret Wheatley, I awoke and set an intention for myself. "Today, I will go through the day without blaming." One day. How hard could this be?

I think I made it to 8:37 am. Two cars had bumped each other at a busy intersection. No discernible damage. It was rush hour. They had stopped, in the middle of the road, to take pictures of each other's licence plates. Quick as a bunny, up popped blame as I thought, "How stupid can you be! Don't you know you're blocking traffic! Didn't you think about pulling over to the curb?"

The next day I lowered my goal. I decided I would just watch blame. Try to notice it. When it arose in me, in my clients, in a four way meeting.

As Collaborative practitioners, even if we can avoid bringing blame into our work ourselves, we will always hear blame, and it is important for us to be careful to not stoke polarization.

Pema Chodron has said: "If someone comes along and shoots an arrow into your heart, it's fruitless to stand there and yell at the person. It would be much better to turn your attention to the fact that there's an arrow in your heart."

Reflect before responding. Remember the bubble in the spirit level.

Which brings us back to that most complex relationship of all, my relationship with myself.

Each and every one of us is the heart of this work we do. Done well, this work demands self-awareness. It demands that we pay attention to the complex relationships that surround us, and that we are careful, thoughtful, and observant enough that we begin to see what is emerging. It asks that we not blame, but that we go deeply into understanding. It asks that we work with agility and honesty, as a team.

Reflection is vital as we practice and grow in this work. Share your reflections with your colleagues. Write them down as a way of sharing them with yourself, as a way of taking the time to articulate that which you notice. In this fast-paced world, reflection helps us slow down, helps us see in a different way.

This is the reflection of Bill Anders, looking down on planet earth from Apollo 8:

"We came all this way," he said, "to explore the moon. And the most important thing is that we discovered the earth."

Let us be grateful for the opportunity to do this work, knowing that all levels begin with each of us. Let us remember the simple integrity, the careful wholeness of the bubble in the spirit level.