LEARNING TO BE A PEACEMAKING LAWYER: LAW STUDENT PERSPECTIVES ON BUILDING PEACEMAKING INTO LAW SCHOOL CURRICULA, BUILDING PATHS TO PRACTICE FOR NEW LAWYERS, AND INTERDISCIPLINARY TRAINING

Matthew Zeidel, Sandy Yu, and Sara Zerehi

From our perspectives as students, we reflect on the teachings of *Lawyer as Peacemaker*, a Winter 2015 course taught at UCLA School of Law — the school's course devoted to peacemaking lawyering. Utilizing our newfound peacemaking worldview, we share our collective reactions to the *Lawyer as Peacemaker* course and the ten articles in the *Family Court Review* Special Issue on Peacemaking for Divorcing Families. We then advocate for integrating peacemaking into law school curricula and experiential learning offerings and make recommendations on how law schools today can prepare students to practice peace.

Key Points for the Family Court Community:

- This article is a collaborative work product of three students who come from an array of work experience, backgrounds and interests and from their newly founded peacemaking worldview, the three students collaboratively analyzed ideas presented in the Lawyer as Peacemaker course and the articles from this issue.
- The peacemaking mediation allows the parties more control over their legal disputes and allows the control of the costs that come with litigation.
- Peacemaking involves a holistic and collaborative method, involving mental health professionals to financial advisors as well as legal professionals.
- However, peacemaking skill courses are not readily available to many law students while studying in law school.
- This valuable asset should be made available more extensively to law students interested in family law.

Keywords: *Clients; Courthouse; Experiential Learning; Family Law; Law School; Peacemaking; Practitioners.*

INTRODUCTION

In January 2015, UCLA School of Law offered the first-ever course devoted to exploring the idea of lawyers as peacemakers. Professor Forrest "Woody" S. Mosten taught the aptly titled course, *Lawyer as Peacemaker*,[1] during a newly introduced two-week intersession January term (J-term). The J-term was created to offer a range of "short, specialized courses that offer the opportunity to delve deeply into skills trainings or explore doctrinal subject matter at a depth that one cannot do in the regular semester format."[2] Over five course sessions, Professor Mosten and eighteen law students examined "cutting edge developments, lawyering roles, and practice skills that are necessary to prepare law students for a successful legal career to serve clients using a non-adversarial consumer orientation to expand legal access."[3] This course explored the basic concepts and values of peacemaking, dispute resolution, unbundled legal services, Collaborative law, and preventive legal services.

In addition to assigned readings and classroom discussions, students engaged in role-play simulations as lawyers forming a peacemaking law practice and conducting client consultations from a peacemaking perspective. A collaborative practice team demonstrated how practitioners work together when consulting on a case. And the final exercise required the students to draft a substantial letter advising a hypothetical client how he might deal with an entrenched family dispute nearing litigation, a broken marriage, and a schism in his family-run business through a variety of out-of-court models of dispute resolution.

FAMILY COURT REVIEW, Vol. 53 No. 4, October 2015 526–544

METHODOLOGY

After completing the J-term course, three students (the three of us authors) were selected and given the opportunity to review ten articles from the *Family Court Review* (*FCR*) Special Issue on Peacemaking for Divorcing Families. We were asked to author a piece in one voice responding to the ideas presented in both the *Lawyer as Peacemaker* course and the articles from a peacemaking worldview and ultimately in a collective voice.

During the spring semester of 2015, we met with each other weekly to share personal thoughts on the course and the articles and discuss ways to work together on this meditative and collaborative endeavor. We also met with Professor Mosten biweekly to discuss the articles and to go over drafts. After several meetings, we collectively formulated common concepts and thoughts into this response piece. To garner additional feedback from other students in the *Lawyer as Peacemaker* course, we administered a short online survey with ten questions. Of the eighteen students who took the course, eleven completed the anonymous survey. We also conducted follow-up interviews with a few of the students. We incorporated the results from the survey, as well as course readings and outside research, into this article. Although this article may have lost some of its individual edges, it represents the combined voice and collaborative work product of the three of us, who come from an array of work experience, backgrounds and interests, but approach this collaborative endeavor from our newly founded peacemaking worldview.

STUDENTS' BACKGROUNDS

SAN "SANDY" YU

I am a fourth- year student enrolled in the Epstein Program in Public Interest Law and Policy at UCLA School of Law and concurrently in the Social Welfare program at UCLA of Public Affairs. Prior to law school, I worked at a transitional shelter providing case management services to survivors of domestic violence and their families. I witnessed the difficulties clients had in accessing legal protections (e.g., restraining order, legal custody of their children) for themselves and their families. I came to law school and the school of social welfare with a specific direction: to acquire the legal knowledge and advocacy tools that would allow me to provide accessible legal services to immigrant victims of domestic violence.

I was the first person in my family to go to law school, and growing up, I did not know any lawyers. It was not until I started work at the shelter, where I was interacting side by side with attorneys. Even though I had a sense that I wanted to become a lawyer, I did not know how to get there. While working at the shelter, I applied for the Asian Professional Exchange Mentoring Program, which is designed to develop "future leaders by helping Asian Pacific Islander Americans with professional and personal development."[4] The program connected me with a lawyer mentor and exposed me to the practice of law.

The adversarial framework was greatly embedded in my first-year curriculum. In most of my courses, the professors used the Socratic method, which mirrored an adversarial cross-examination. Like most other law students, I felt immense pressure to keep my grades up. I was made well aware of the prevailing metrics of law school success, which ranks students through relentless competitions (for top-ten-percent grades, law review write-on, moot court, and mock trial). At the same time, the skills I valued before law school, like active listening, interviewing, and counseling, did not seem to matter in law school. By the end of my first year, I began to wonder whether I was suited to practice law because I did not fit the model of an aggressive trial lawyer and/or litigator.

A month before the start of my second year, I met with my lawyer mentor to discuss my concerns about law school. I distinctly remember telling her about my problems with the adversarial system and how it exacerbates antagonism between parties and makes it virtually impossible for any peaceful reconciliation. I am not an adversary type, but rather I see myself as an advocate, client coach, and educator. I came to law school because I wanted to provide accessible legal services and education to

indigent communities, so they have the knowledge and tools to overcome legal obstacles and be agents of change. Yet it did not seem like law school was effectively paving this path for me.[5]

My mentor, who at the time was an executive director of an organization that provides intergroup dialogue, mediation, and conflict resolution services in schools, reminded me that there are alternatives to litigation that I can use to do the work that I want to do. She explained alternative dispute resolution (ADR), a concept that I had heard of before, but never quite understood how it worked in practice. She introduced me to the important and much-needed work of ADR in the community.[6] I was fascinated by the use of ADR with indigent communities and in the public interest context.

SARA ZEREHI

I am a second-year student at UCLA School of Law. In college, I spent four years working at a small family law firm. I started out as the file clerk and over the years I gained responsibilities that mirrored those of a paralegal. I managed case documents and communicated with clients and courthouses, handling a heavy caseload mainly in divorce, child custody, child support, and adoption matters. Over time, I learned about the clients' personal, financial, legal, and emotional problems. Many clients had cases that had been pending for several years. In fact, that was the norm and even something that would usually be expressed to new clients in their consultation.

Clients were stressed, out of money, and ready to be done with their legal matter. Moreover, prolonged litigation further damaged relationships between the parties involved and almost always negatively affected children involved in the matter. Cases built up to the point where even large accordion folders could not handle all the court documents and correspondence.

When I came to law school, I was not sure what type of law I was interested in. I tried to come with an open mind, but there was one field of practice I was pretty certain I did not want to enter into: family law. True, most areas of practice are accompanied by high stress, seemingly endless paperwork, and restless clients, but being exposed to the behind the scenes of what family law entails made it an especially unappealing option for me. Frankly, I just did not think the system worked well. It took months to set up court dates, hear back from opposing counsel, and for courts to upload pleadings into their system, and all the while, the clients were stressed and emotional about their family disputes. This was a sentiment also shared by the attorney I worked for.

While researching for this article, I asked the attorney I used to work for what she thought about peacemaking and I was pleasantly surprised by her response. She answered that, over the last few years, a couple of her colleagues had switched over to nonlitigation modes of family law and she is also currently transitioning her practice toward mediation. I was happy and excited to see that non-litigation modes of family, like we learned about in our course, were actually being implemented in practice. To me, family law seems to be taking a step in the right direction and working on this project reignited my interest in family law.

MATTHEW ZEIDEL

I am a third-year student at UCLA School of Law. I came to law school after a five-year career in print journalism, in part because of the idea that "words are the lawyer's tools of trade."[7] As a reporter and an editor, I had learned how powerful words can be and how precisely language can be crafted to communicate a particular message. As someone with practice deploying language to get a point across, I figured I would be in good company among lawyers.

So I was shocked and disappointed to find a great many family lawyers who are careless, reckless, or even downright abusive with their words. I learned this firsthand as a family law extern in the Los Angeles Superior Court, where in addition to researching court-based self-help centers for unrepresented litigants, I observed scores of contested hearings and read hundreds of motions requesting custody, visitation, support, and property orders, along with supporting declarations. The amount of mudslinging, acrimony, and baselessly accusatory language in the moving papers startled me;

moreover, it seemed patently unconnected to the underlying requests—especially when a party made unsupported and legally irrelevant accusations of domestic violence or child abuse against the other in, for instance, requests for postjudgment modification of support. More often than not, the opposing parties would reciprocate the aggression in their responses. Looking back on it now, I would conservatively guess that half the moving papers I read needlessly increased the level of acrimony of the dispute. Lawyers and unrepresented pro per litigants alike acted this way. Sure, once in court, they often ended up losing badly on the facts—but the damage to the family relationship had been done the moment the papers were served.

My experience troubled me: As a child of divorce myself, I wanted to practice family law because families going through the unprecedented transition of a marital dissolution need help getting through it, and I wanted to be part of their solution. I believed my cooperative worldview and way of dealing with people would allow me to help. But after externing, I wondered whether I would do those families more harm than good by participating in a system that appears to encourage (or at least fails to discourage) such harmful but ultimately pointless wars of words. I am a peacemaker at heart, but my externship led me to believe such tendencies have little place in family law. Instead of bringing people together to defuse conflict and help healing take place, I grew anxious that I was setting myself up for a stressful and unsatisfying career taking sides in ugly fights between people who once loved each other.

Being in my last semester of law school added no small amount of urgency to my internal dilemma; additional gravity came from a well-timed spate of news coverage pointing out that lawyers had the fourth-highest suicide rate among professionals (behind dentists, pharmacists, and doctors)[8] and at elevated risk for substance abuse.[9] As one person put it in a CNN piece,

> Moreover: [B]eing a physician has stress. However, when the surgeon goes into the surgical suite to perform his surgery, they don't send another physician in to try to kill the patient. You know, they're all on the same team trying to do one job. In the legal profession, adversity is the nature of our game.[10]

> Research shows that when our head and heart are in conflict, stress and suffering follows. Our deepest core values, like empathy and compassion are considered irrelevant in law practice and court cases. This is why many people, including judges and lawyers, find the legal profession unsatisfying, ineffective and potentially harmful, especially in the realm of family conflict.[11]

As I stared down the rest of my life, I couldn't help but wonder: *Just what am I getting myself into?*

INITIAL EXPECTATIONS

We all took the *Lawyer as Peacemaker* course because it was a class we had never seen offered at UCLA School of Law before. It seemed interesting and relevant. We saw this as an opportunity to expand our knowledge of ADR and mediation. Like many students in the course, we saw ADR as an indispensable skill to have professionally and personally. We believed the course would provide students with an overview of the necessary skillsets to resolve legal disputes without going to court and the language to articulate things professionally, effectively, and calmly without being adversarial. We considered peacemaking to be an untraditional legal process. Law students, especially those at a top-tier law school, are rarely exposed to this type of material and might not consider nonlitigation family law as a viable career option.

REACTIONS TO THE COURSE

Throughout the J-term, students learned about peacemaking as an advantageous alternative to adversarial representation. We learned about many of the benefits of peacemaking options over litigation: clients have more control over their legal matter, it is almost always less expensive, less time consuming, less stressful, more private, with a less damaging effect on children involved in the

dispute, and with a greater opportunity to repair personal relationships.[12] Further, methods of peacemaking like Collaborative Law processes allowed clients to get additional support for their matter by employing mental health professionals and financial advisors that are often crucial resources for protracted familial disputes. We were surprised and also somewhat embarrassed that we did not know more about peaceful lawyering in familial disputes, especially considering our collective experiences at family law firms.

Many law students might not consider or even know that peacemaking could be a viable career. Nowadays, most top-tier law schools guide students toward becoming "big law" attorneys. And generally, if that is not the students' cup of tea, students consider small and mid-size firms or take the public interest route. Peacemaking, mediation, and other ADR careers do not really enter the picture during law school and are seldom a part of the curriculum.

After taking Professor Mosten's J-term course, all three of us felt our eyes had been opened—and yet we were frustrated. There is so much to learn and explore in this evolving field of lawyering. Yet the only course offered to students spans only a small fraction of a normal fifteen-week term. We wondered why, as most students in the class came to understand peacemaking skills to be as useful, if not more so, than adversarial behavior and litigation.

In his book, *The Five Percent: Finding Solutions to Seemingly Impossible Conflicts*, Peter T. Coleman outlines simple techniques found in modern literature that embrace effective dispute resolution.[13] These "simple rules of thumb" about conflict resolution include parties being fair, firm, friendly, cooperative, recognizing the problems separate from the people in the conflict, flexible, and listening carefully to the opposing side.[14] Yet, all of these effective strategies are virtually nonexistent in family law litigation. With divorcing families utilizing an adversarial approach incentivizes clients to be legally strategic rather than constructive in their conflict resolution. Clients to litigation often consider: What facts can I use against the other party? How can I get the most restitution? How have I been wronged and what do I deserve? The litigation process resembles a business negotiation more than a method of resolving a personal conflict. People involved in a divorce are emotional and stressed; these feelings usually transpire into being spiteful and depressed. Moreover, entering the courtroom is always unpredictable; so even if clients think they have a lot of ammunition, an attorney can never guarantee a satisfactory result.

Litigation often ignores the important emotional aspects that these disputes always have lingering in the background. Lawyers pick and choose the legally relevant arguments and facts that will win their client the best result, often setting aside other emotionally relevant aspects of the case. Lawyers are trained to use only the bits and pieces of information that are relevant and beneficial to obtaining their client's best case scenario. Clients involved in protracted familial disputes can sometimes be bitter, angry, and retain long-standing resentments, and these emotions are often a catalyst to try and hurt the other party. Needless to say, this is not effective. Social science research on approaches to conflict resolution endorse peacemaking alternatives to litigation.

Litigation strategy needs to consider other pertinent issues like mental health, emotions, financial matters, stressors on children, damaging personal relationships, long-standing animosity, and misunderstandings between parties. After being educated in Professor Mosten's course, it is apparent to us that peacemaker lawyering has many advantages over litigation: faster decisions, reduced animosity, fewer expenses, greater self-determination, and an opportunity for the parties to air out any issues or miscommunications. However, nonlitigation alternatives for family law disputes have yet to gain the traction they deserve.

Professor Mosten's course exposed us to two important modules to have in our toolbox when working with indigent communities—unbundling representation and Collaborative Law. Unbundling representation is a legal-access approach in which there is an agreement between a lawyer and a client to limit the scope of services that the lawyer provides.[15] It allows clients, particularly those who would likely qualify for legal aid assistance and cannot afford to pay for full representation, to receive assistance from a lawyer for some part of their case.[16] For example, an unbundled lawyer can teach clients negotiation skills needed to accomplish his/her goals and practice with the clients by rehearsing a negotiation and providing constructive feedback.[17] After learning about the practice of

unbundling representation, we saw the important role unbundling representation can play in improving the access to justice for low-income and moderate-income consumers, who would otherwise have no or few places to go.

We were also introduced to the interdisciplinary module of Collaborative Law, which is a practice where the parties engage in "open communication and information sharing and create shared solutions that meet the needs of both clients."[18] To do so, both the parties and their lawyers agree, through a contract or stipulation, to attempt to settle the matter without litigation.[19] Collaborative lawyers value the role professionals in other disciplines play and the expertise they bring to approach the problem.[20] Lawyers work collaboratively with them to solve the problem. These professionals in other disciplines may include mental health professionals, child specialists, and financial professionals.[21]

Taking the course and reviewing the *FCR* Special Issue on Peacemaking gave us the courage to try and build a professional life that fits our personal values and strengths as advisors, collaborators, team players, and communicators—that is, as peacemakers—rather than trying to cram ourselves into roles where adversarial behavior and gamesmanship are expected and often valued. Professor Mosten not only taught us about mediation, Collaborative practice, unbundling, and "preventive" lawyering, but he also opened our eyes to the reality that there is a vast pool of unrepresented litigants who could benefit from these services—and thus the opportunity to earn a living by serving this market.

It also was eye-opening to learn that an attorney can provide competent legal services that reduce conflict and encourage healing without assuming responsibility for the client's outcome — and, in fact, empowering the client to take that responsibility and run with it. Lawyers have substantial power over how clients perceive their position and options; as Pauline Tesler has written, "[W]hat [professionals] believe necessarily is communicated to our clients . . . because of the position of power we necessarily hold as professionals relative to our clients. Our clients tend to receive and act on that information by choosing what we think they should choose."[22] Thus, clients are more likely to take on board the worldview and professional advice of lawyers who practice conciliation over conflict and can then approach their own conflicts knowing it is better to settle things amicably than acrimoniously.

As Professor Mosten points out in his article, attorneys may instill this peacemaking worldview in clients on an unbundled basis in numerous ways, including teaching the clients about how divorce dynamics can play out or helping clients plan and rehearse negotiations that may "perhaps [be] one of the most important conversations of their lives."[23]

We wondered if other students who took this course shared our thoughts that there ought to be more options for law students who want to pursue a career in peacemaking. In an anonymous survey in which eleven of the fifteen other students voluntarily participated, eighty percent of them indicated that they would take more courses related to peacemaking if they were offered, while twenty percent responded that they might, and none responded that they would not. All of the students said they would recommend the course to others and over ninety percent said that *Lawyer as Peacemaker* ought to be a full-semester course. When asked if they would be interested in a career in peacemaking, all but one (who wished to pursue criminal law) answered that they would be interested in a career in peacemaking now that they have taken the course. Interestingly though, about sixty-four percent of the students did not even know what peacemaking was or consider it as a viable career before taking this course. Also, a majority of students expressed that they would like to see more resources in this field on campus in the form of a clinic, workshop, or semester-long course.

While UCLA School of Law does offer great courses such as Arbitration Law, International Commercial Arbitration, Mediation, Negotiation Theory and Practice, and a Negotiation and Conflict Resolution Workshop, these courses do not specifically incorporate concepts of peacemaking.[24]

REACTIONS TO THE *FCR* ARTICLES VIEWED THROUGH THE LENS OF THE PEACEMAKER COURSE

After completing the *Lawyer as Peacemaker* course, we were read the articles in the *FCR* Speical Issue on Peacemaking for Divorcing Families, which pulled together diverse perspectives on

peacemaking that go beyond the current agendas of family practitioners and courts—and in some cases from outside family law. All of the readings reinforced for us the idea that peacemaking is a way of interacting with the world, with other attorneys, and with clients, and does not exclusively attach to any one method of practice.[25] Our takeaways from the articles in this Special Issue were influenced by what we learned in *Lawyer as Peacemaker*, our shared legal education, and the diversity of our personal experiences and backgrounds. Three threads in particular resonated with us: (1) the idea that lawyers who want to truly be peacemakers must learn to work effectively with professionals from mental health and other disciplines, (2) how lawyers can bring peace to their clients, and (3) how courts can become partners in peacemaking,.

INTERDISCIPLINARY PEACEMAKING

Family law cases present unique and complex questions of law and facts. The factual situations in these cases demand a basic interdisciplinary understanding of psychology, counseling, and other nonlegal areas of knowledge. Lawyers need to know something about the roles of custody evaluators and their evaluations for dispute resolution,[26] family therapists,[27] and parenting coordinators[28] and about how separation, divorce, and ongoing parental conflicts affect clients and their families. Similarly, social workers and mental health professionals involved in family law proceedings must understand the legal process through which cases are resolved and the legal options that would be in the best interests of transitioning family units. Therefore, interdisciplinary practice, like Collaborative Law, provides an invaluable opportunity to bring together different professionals and coordinate their expert services in order to create lasting peace in families.

Interdisciplinary Collaboration

In *Family Peacemaking with an Interdisciplinary Team,* Dr. Susan Gamache demonstrates through various workable and replicable models the benefits of interdisciplinary practice for families transitioning through divorce. Interdisciplinary collaborative practice includes the teamwork of Collaborative lawyers, a neutral financial professional, therapy professionals (e.g., collaborative divorce coach), a child specialist, and a team leader.[29] When these varied experts are combined, they can offer a breadth and depth of understanding of the family system and the relational dynamics underlying the problems of the divorce. They work with the family toward "peaceful, safe and efficient divorce transitions for all family members, especially the children."[30]

As a psychologist and family therapist, Dr. Susan Gamache admittedly felt limited in what she and other family therapists could offer to divorcing families.[31] With interdisciplinary collaborative practice, family therapists can "play a proactive and preventive role: we no longer have to wait until after the dust settles to pick up the pieces and to restore health and harmony to individuals and relationships."[32] By working collaboratively with lawyers, financial professionals, and child specialists, Dr. Susan Gamache believes that "the families we seek to serve are advantaged by these close professional relationships and our efforts to create sustainable communities."[33]

Moreover, as we learned in *Lawyer as Peacemaker*, the Collaborative attorneys who drive the process of legal dissolution need to know how to access these interdisciplinary professionals and what they can bring to the table. In order to do that, Collaborative attorneys "need to learn how professionals in other disciplines approach the problem, what roles they can play, and what tools they have to solve the problem."[34] In so doing, attorneys "go beyond the legal profession and offer clients a fuller perspective in handling their divorce."[35]

Keeping Kids Out of the Fray

From our varied experience in family law, we have all seen how an adversarial divorce can have damaging effects on children and families. According to psychologist Ursula Kodjoe, "children of

highly conflict-ridden families feel helpless with regard to the loss of important relations."[36] Children can be especially traumatized if they are hauled into court to testify or address the judge. Even the latter, somewhat less imposing method of addressing the judge is emotionally taxing on children and puts them in the middle of a dispute that they should be exposed to as little as possible.[37]

Parenting coordinators can help avoid the need for children in high-conflict families to be exposed to the judicial machinations of divorce and must master an interdisciplinary approach to their work. Christine Coates highlights the important role of parenting coordinators in high-conflict families in her article, *The Parenting Coordinator as Peacemaker and Peace-Builders*. Parenting coordinators are "peacemakers who resolve disputes between the parents and facilitate negotiation and communication between the high conflict families and help them make decisions."[38] As Eddy (2006) showed, high-conflict people are "overly emotional, use irrational reasoning and probably more likely to be negative about someone who does not agree with them."[39] By working with parenting coordinators, lawyers can effectively guide families from high-conflict arguments to more peaceful and collaborative discussions and help to advocate for collaborative and interdisciplinary reforms to the judicial system, such as a problem-solving court for high-conflict families.[40] We thus need to know how to work collaboratively and effectively with professionals from different disciplines. Law schools can prepare students like us by providing interdisciplinary learning and service experiences with students in psychology, social welfare, and other professional schools.

Softening the Blow of Custody Evaluations

But divorce can be psychologically damaging to parents, too. Take the dreaded custody evaluation, in which a stranger with a degree intrudes on a family and essentially decides for the judge who should get the kids. These reports can call into question a party's parenting skills or even fitness as a parent and are often the subject of bitter litigation and recrimination. But an interdisciplinary approach to delivering custody evaluations can help soften the psychological blow of their delivery and even, maybe, help divorcing parties become better parents. In *Custody Evaluations in Peacemaking,* Mary Lund calls for lawyers to develop "peacemaking mindset and skills for using custody evaluations for dispute resolution."[41] Peacemaking lawyers can help divorcing parties understand the custody evaluation and its recommendations, and attorneys with interdisciplinary training will be in a better position to encourage the parties to modify their polarized positions and adopt an agreement that accords with the child welfare principles underlying the custody recommendations.

But peacemaking attorneys can go a step further, by bringing in a mental health professional to help the families process their emotional reactions to the custody evaluation.[42] Social psychology research suggests that when information is presented in a way that the parent can understand, information from evaluations is likely to be a key component of an evaluation's impact on positive parenting and co-parenting and the possibility of settlement increases.[43] Therefore, there are lasting benefits in an interdisciplinary approach to the dispute resolution process.

We agree that creating an interdisciplinary environment is critical to bringing peacemaking to families. As future lawyers, we need to understand the roles of different professionals (e.g., family therapists, custody evaluators, and parenting coordinators) can play and the expertise they bring to assist the families. As we learned in *Lawyer as Peacemaker*, a peacemaking lawyer does far more than draft and argue; a peacemaking lawyer cultivates a high-quality relationship with clients while encouraging clients "to bring back into balance what has fallen out of balance in their lives," helping clients "bring their best selves forward [despite their having] often been compromised by the adrenaline and stress of conflict" and go beyond asking "clients to be reasonable and logical" and instead "help them touch their wisdom."[44] Such a role requires a lawyer who can tap interdisciplinary areas of knowledge far beyond what makes a cause of action or how to object to evidence. But law school rarely gives students the interdisciplinary grounding necessary to begin practicing as peacemakers. *Lawyer as Peacemaker* began to build that foundation for us and to show us the importance of tapping into the vast knowledge of different types of practitioner.

BRINGING PEACEMAKING TO CLIENTS

Unbundling Peace

Increased access to peacemaking options like Collaborative practice and mediation is of key importance if the market for these services is to grow and the potential of minimizing conflict for all transitioning families realized—not just those who can afford the finest Collaborative practice teams. In his article in the *FCR* Special Issue on Peacemaking, Professor Mosten explored unbundling as an approach to spread more peaceful dispute resolution to the large number of family law litigants who currently choose to self-represent, either because they cannot afford a full-service lawyer or because they want to handle their divorce themselves for any number of reasons (and often both).[45]

As M. Sue Talia has noted, demand for limited-scope representation has in recent years "increased exponentially."[46] Despite the efforts of many courts to make family law more user friendly, "[t]he highest demand for limited scope has been in the field of family law," where the self-represented "can successfully access the courts with limited assistance from a lawyer" on drafting and procedural guidance.[47] Limited-scope representation furthers access to quality legal representation for middle-class clients who "often find full service beyond their reach" but do not qualify for legal aid, while bringing business to solo or small-firm attorneys who "increasingly find themselves struggling with the increased cost of sustaining a law practice [and] cannot afford to offer full-service representation at a few that fits a middle-class budget."[48]

Professor Mosten argues that "[b]y being available to SLR's on a limited scope basis, lawyers are not just providing more accessible legal services, we are offering support and guidance to help our clients attain peace in their personal lives and for their children."[49] As he did in our course, Professor Mosten's article proposes four models for peacemaking through unbundled practice: (1) Collaborative practice, often but not always as part of an interdisciplinary team; (2) advisor and coach for unrepresented litigants; (3) limited-scope lawyer/advisor/representative for families using a mediation process; and (4) preventive "legal healthcare provider" helping families heal after divorce and working to manage or, preferably, avert future disputes.[50] He points out that in every limited-scope engagement—whether advising, research, drafting, negotiation, or even a court appearance[51]—there is an opportunity for the peacemaking lawyer to deescalate conflict or encourage the client to do so.

We are particularly drawn to the role Professor Mosten defined in his article as "limited scope lawyer advisor and coach for unrepresented litigants to explore consensual dispute resolution process options and a peacemaking approach to negotiation."[52] Professor Mosten taught us that even the act of drafting a single conciliatory letter can be a powerful peacemaking approach in itself. This resonated particularly with Matt, who as a reporter had learned firsthand (often through trial and error) that subtly changing the wording or even the tone of a question can elicit very different responses from the person on the receiving end—including shutting out the asker altogether. Learning we could make practical use of this knowledge to help a client build a new relationship with his/her spouse, without having to then litigate against that spouse, was empowering. We were also energized by the idea that we could build a remunerative practice helping middle-class families minimize conflict in their divorces through unbundled legal services.

Squaring the Circle

In Susan Daicoff's article, *Restorative Justice Circle Process with Families in Conflict*, circle process is an innovative approach to resolving family law conflicts. It gives family members the space to talk about how the divorce is affecting him/her and then come together to reach a resolution. As we learned in *Lawyer as Peacemaker*, the traditional litigation method may not always be the best option for some families. For example, unlike litigation, "circle process can reduce anxiety, slow down the participants' interactions, reduce hostility, create a community within the participants, communicate mutual respect for all present, and unify them in common values and goals."[53] Such benefits derive from circle process' focus on peacemaking values such as empowerment, cooperation, reconciliation, and transformation.[54]

When parties enter the divorce process, they typically have reached the point in their relationship that they cannot resolve their arguments and differences due to their insufficient conflict-management strategies. Instead of adding to their existing discord, circle process provides the opportunity for parties to minimize future conflict recurrence and maximize harmony in their lives. It encourages greater dialogue among lawyers and the parties. Daicoff commented on how cases resolved outside of the courtroom not only minimized costs but were more effective because the parents developed improved communication modes.[55] Further, Daicoff noted that pilot programs of the circle process allowed family members to participate more in their dispute resolution and to share their perspectives on the situation and to committing to future plans.[56]

Learning about circle process helped us realize that conflict resolution (literally) comes in all shapes and highlighted the valuable role that families and communities play in making and keeping the peace between people in conflict. As nonlitigative solutions to legal disputes like circle process increase in popularity, law students and attorneys need to be exposed and trained in these new ways of practicing law.

Getting to the Heart of the Matter

Kenneth Cloke explained in his article that the central difficulty with using traditional forms of conflict resolution system design in marriages, couples and families is that they do not effectively address the emotional meaning or significance of the conflict within the relationship, are not grounded in the heart, and do not address the intimate, relational aspects of intimate, affective conflicts.[57] Cloke proposed four heartfelt steps to help couples and families prevent and resolve chronic conflicts: (1) "prevent the legal use of apologies as confessions or admissions of wrongdoing, either by mutual agreement, use of mediator or therapist confidentiality, or legislation"; (2) have "family professionals be trained in apology and forgiveness techniques"; (3) "recognize that caring, heartfelt, interest-based approaches are required to successfully prevent and resolve family conflicts"; and (4) "focus our attention on building skills and capacity in designing heartfelt conversations and improving trust and intimacy where it has been broken."[58] This interdisciplinary process is necessary to the successful practice of family law.

From Global Conflict to Family Conflict

In their article, *Applying the Strategies of International Peacebuilding to Family Conflicts*, Drs. Heidi and Guy Burgess compare the similarities between unmanageable international conflicts and family conflicts. The juxtaposition of peacebuilders in societal conflicts and familial conflicts exposes an interesting outlook on the deeply rooted misunderstandings, opportunity for escalation, differing images of fact, and unrightable wrongs that are almost always present in long-standing familial conflicts. The article organizes steps of how to tackle these conflicts through the lens of a peacemaker.

This article emphasizes the delicate strategy that needs to be implemented to resolve difficult family conflicts but is often ignored or exasperated by litigation. Specifically, the article incorporates important points that we spoke about during our course: prevention of future conflicts, understanding the limits of peacemaking, and preserving relationships. Understanding the process of peacemaking and its distinction with litigation is vital to gaining an effective and positive resolution and this distinction is what enlightened us and our peers about the evolution toward nonlitigation family law. As the Burgesses outline and Professor Mosten taught us, the benefits of out-of-the-courtroom modes of dispute resolution are undeniable.

BRINGING PEACEMAKING TO THE COURTHOUSE

While we learned through the *FCR* Special Issue that family law practitioners are moving toward more holistic, peaceful approaches to dissolution and family restructuring, it remained clear that

parties cannot always be kept out of court, and when they do end up in court they end up in an adversarial system based on "the myth that divorce is akin to a private civil case, in which the parties are pitted against one another with attorneys to represent them. In the end there will be winners and losers, economically and regarding the parent-child relationships."[59] It was clear to us that the courts themselves must be partners in peacemaking, and luckily several of the articles in the *FCR* Special Issue addressed this topic and demonstrated that American family courts are beginning to take on this challenge in new and exciting ways — indeed, "family courts have increasingly embraced . . . [a] philosophy that supports collaborative, interdisciplinary, interest-based dispute resolution processes and limited use of traditional litigation."[60] Nevertheless, there remains much work ahead, and we agree that "[j]udges and those other professionals engaged in the family dispute resolution process should be proactive in seeking reforms that meet the needs of today's families."[61]

A Change in Mindset

All three of us have seen firsthand the toxic effect legal proceedings can have on litigants and their families. And study after study has shown that "[t]he more pervasive and the higher levels of parental conflict to which children are exposed, the more negative the effects of family dissolution."[62] Sadly, as Rebecca Love Kourlis notes, much of this conflict can be said to stem from family courts themselves, which "tend to aggravate adversarial tension as opposed to fostering cooperative solutions."[63]

So it was inspiring to learn that California's courts have taken notice: In *Helping Families By Maintaining A Strong Well-Funded Family Court That Encourages Consensual Peacemaking: A Judicial Perspective*, Los Angeles Superior Court Judge Thomas Trent Lewis noted that, as far back as 2010, the California Chapter of the Association of Family and Conciliation Courts declared the state's underfunded court system "a clear and present danger to the public health of the children of this State based on our society's failure to adequately address the impact of child custody proceedings upon children" and a "chronic, system-wide, statewide, public health crisis[.]"[64] As we learned in *Lawyer as Peacemaker*, this situation is even worse for self-represented litigants, who must also deal with a court system prejudiced against them[65] and the frustration, exhaustion, and feelings of hopelessness and being overwhelmed as they are ground through the machinations of that system.[66]

It was also heartening to learn that family courts are increasingly throwing their weight behind peaceful out-of-court solutions and in doing so lending them legitimacy to new litigants. In his article, Judge Lewis lent his and the court's credibility to the assertion that out-of-court "mediated and collaborative negotiated resolution of disputes can achieve favorable and more durable outcomes for parents and children."[67] Moreover, the court, through a letter it sends to every new litigant—a letter reproduced in Judge Lewis's article and which we studied in Professor Mosten's course—actively encourages these litigants to ask their attorneys about (or independently explore) direct negotiation, mediation, or Collaborative Law. This is an important step in building awareness and credibility of these options and in encouraging their exploration and use as early in the process as possible, ideally when conflict can be tamped down by peacemaking professionals (even possibly before papers have been served). And the court encourages parties to access free helpful parent education.[68] Court-sponsored Web sites provide information for parents to resolve conflicts through nonadversarial methods like meditation and to increase cooperation and a likelihood of a positive outcome.[69]

We echo Judge Lewis' sentiments that the courts should be able to use their authority to order parties to mediation early in every case, rather than only on the morning of contested custody hearings.[70] Hopefully, the Los Angeles Superior Court can follow the lead of other family courts across the country that are experimenting with new approaches reducing adversarial conflict in their proceedings, such as early neutral evaluation[71] and differentiated case management (triage).[72] Courts should also become more engaged with the ADR community, including both nonprofit organizations and private practices.[73] The result of such relationships, if well publicized, would mean greater access to more peaceful, out-of-court resolution options for many self-represented litigants who would otherwise continue to slog through the adversarial court system.

Courts at the Cutting Edge of Systemic Change

For those family courts that would heed the call to break new ground in peacemaking dispute resolution, William J. Howe III and Elizabeth Potter Scully's *Redesigning the Family Law System to Promote Healthy Families* provided examples to follow and a blueprint for how to get them implemented. Howe and Scully demonstrate that courts can be on the cutting edge of introducing more peaceful ways to deal with divorce, separation, and family restructuring.[74] Among the innovations pointed to by Howe and Scully were Australia's nationwide court-based Family Relationship Resource Centres and informal domestic relations trials in one Oregon county. They then lay out an eight-step protocol that has been successful in turning "worthy reform ideas into legislative changes and operating programs."[75]

Australia's Family Relationship Resource Centres make going to court the "alternative" dispute resolution process. Australia's model provides services that have led to a reduction of family court filings by one third and provide client satisfaction at a rate of ninety-five percent.[76] This is an inversion of how family law works in the United States, and this model has only been reproduced here in Denver—in a program connected to professional schools, not courts.[77] We as law students would jump at the chance to participate in such programs if they were offered by law schools—but based on our experience with the family law system here, we believe such programs must be based in the courts in order to gain real traction and provide broad access.

Howe and Scully also detail how informal domestic relations trials in Deschutes County, Oregon are "streamlining clogged calendars and providing a workable, empowering and efficient forum in which self-represented parties can spearhead the resolution of their family law matters."[78] The rules of evidence do not apply, witness testimony is limited to experts, and the parties may directly tell the judge anything they think is important and submit any papers they wish.[79] The judge considers all the evidence and usually has a ruling the same day.[80] The parties may, but need not, have lawyers (whose role is limited), and both parties must consent to the process.[81] Howe and Scully also describe a similar process that has been available in Idaho courts since at least 2008 that is limited to custody matters.[82]

These programs are all radical when compared to the traditional adversarial family court. And many of them would require sea changes in the way court systems and legislatures view family law. But even our limited family court experience tells us that if we are serious about making divorce better for families, courts and legislatures must not be afraid to throw the baby out with the bathwater in redesigning family law. Howe and Scully's eight-step roadmap for conceiving and instituting family law reforms showed how radical change can be delivered even within entrenched systems. By starting from a blank slate, thinking creatively, engaging with a wide range of interdisciplinary stakeholders, and focusing on execution and implementation,[83] courts can empower themselves to more effectively, and peacefully, move families through the transition of divorce.

RECOMMENDATIONS FOR LAW SCHOOLS

While the decision to be a pacemaker often seems to come after a lawyer has perhaps been worn down by years of adversarial practice,[84] we argue that an attorney need not—and should not—be required to wage war before committing to practicing peace. It is up to law schools to teach new lawyers how.

The idea of family lawyers building careers around peacemaking ideals, whether as litigators, mediators, Collaborative practitioners, or in any of the ways a lawyer can interact with clients and families,[85] is changing how family law is practiced in the United States;[86] see, for example, the explosion of mediation and the (more measured[87]) growth of Collaborative practice. But the change here has been slower than in other parts of the world where litigation is now considered the alternative form of dispute resolution.[88] Moreover, there remains in this country a vast, increasingly studied population of unrepresented family law litigants working their way through adversarial court

systems;[89] some of them lack the funds to pay for full legal representation, but others who might be able to afford an attorney nevertheless choose to self-represent because they want to retain greater control over their legal issues or do not trust an attorney not to escalate.[90]

Peacemaking modes of family law practice should be made available to the entire pool of self-represented litigants.[91] This demographic presents the next frontier in the peacemaking movement and, moreover, an opportunity for many new lawyers to practice in a way that comports with their personal values—from day one.

Cultivating the next generation of peacemaking attorneys must start in law schools. Here at UCLA, Professor Mosten's course tuned in eighteen self-selected students to more conciliatory modes of practice. Twenty-four students had the opportunity to participate in a mediation clinic offered here. This reflects a tiny fraction of UCLA's nearly 1,000 law students. Law schools have the opportunity—and, we argue, the obligation—to expose law students to peacemaking early in the curriculum and to provide opportunities for interested students to delve more deeply into both the mindset and the practical skills necessary to prepare for a career in peacemaking.

This extends from the curriculum committee to the career office. At UCLA, for instance, access to mediation career opportunities is subject to a chicken-and-egg problem: Few students actually come to the office interested in becoming mediators, says Beth Moeller, Assistant Dean of Career Services.[92] "There is not as much demand from students," she says; and because students are not interested, the career office does not expend effort to develop knowledge of or ties with the mediation community.[93] Similarly, "students will come in and say, I want to come in and do litigation, corporate, or even family law, but we don't know they specifically want to do it from a peacemaking perspective," Moeller says.[94] In fact, over a third of the student responses to Professor Mosten's course admitted that they did not even know about peacemaking before this course.[95] When we asked our peers whether they thought of peacemaking as a viable career before this course, nearly two-thirds responded that they did not or they did not even know about peacemaking; and when asked about whether students would be interested in a career in peacemaking after the course, all but one student responded affirmatively.[96]

The following recommendations are aimed at minting new family law attorneys who are committed to spreading peacemaking to all family law litigants, especially to unrepresented litigants. These recommendations promote more opportunities for law schools to incorporate peacemaking into (1) the curriculum, (2) experiential learning programs, and (3) networking, training and placement opportunities for law students.

CURRICULUM: EXPOSE STUDENTS TO PEACEMAKING EARLY AND OFTEN

Integrate Peacemaking Courses or Modules into the Required Curriculum

Such courses could be taught by faculty or practitioner adjuncts. Students should not need to stumble upon peacemaking lawyering; the mindset and potential practice models should be placed in front of students early. Law schools should give their imprimatur to the idea that lawyers have the power and the duty to reduce conflict and encourage law students to internalize this fundamental concept. Moreover, information about careers in mediation and other ADR forms should be presented alongside more traditional litigation and transactional work, so as to give students time to seek more education or begin forging a career path while still in law school.

Recognizing a standalone full-semester course on peacemaking may not be feasible everywhere, we suggest three ways law schools can integrate peacemaking into their curricula: (1) a short course, like the one we took at UCLA, but required; (2) wrap peacemaking into the typical first-year lawyering skills coursework; or (3) include peacemaking in the professional responsibility curriculum. No option is without challenges. A short course offers an intensive learning experience but may be difficult to schedule. And working peacemaking into established curricula naturally involves taking something else out, which (at least at UCLA) is an issue that requires faculty buy-in, says Eileen Scallen, Associate Dean of Student Affairs at UCLA.[97]

Incorporate Peacemaking Into Doctrinal Courses

An even lower-impact way to introduce the idea of peacemaking is to make it a small, but consistent, part of every doctrinal course. The appellate cases students read represent a conflict that was not resolved by the parties. Spending a few minutes of course time per week asking students to consider and articulate ways these disputes could have been resolved before becoming published opinions would get students thinking about lower-conflict solutions early on.

Provide Courses On Client Counseling And Active Listening

UCLA has not offered a client-counseling course in three years, despite having the author of a leading book on client counseling, David Binder, as a distinguished professor emeritus. Client counseling is an essential skill to to effective client communication. In the field of family law, clients are often emotionally invested. In order to effectively advise and counsel the client, lawyers must be able to let the client express emotions, and at the same time, be able to gather relevant facts and provide legal options to the client. Law schools can teach students to counsel effectively through mock counseling exercises. For example, in the *Lawyer as Peacemaker* course, we were presented with a case involving a will contest and divided into pairs. The members of each pair switched off being the client and the lawyer representing the client. The student lawyer practiced active listening and presented the client with legal options, including ADR options, to resolve the case.

Teach and Encourage Unbundling

As Professor Mosten explored in our course and in his article, unbundling is not only an invaluable means of expanding legal access, but it is also a way to promote peacemaking among parties. Unbundling empowers clients to select legal services that are needed and at the same time utilize lawyer's services to a single issue or court process. In addition, unbundling reduces the high fees resulting from full-service representation for clients, but also lessens the risks of malpractice claims for lawyers. But full-service representation is implicit in just about everything law schools teach students, especially the case method. Unbundling can be taught in lawyering skills courses or as part of professional responsibility courses—but really in both, as unbundling comes with state-specific ethical issues.

EXPERIENTIAL LEARNING: LET STUDENTS GET THEIR HANDS DIRTY

Offer Experiential Learning Opportunities, Like Mediation Courses, Where Students Can Get Live-Client Experience and Certification to Local Standards

Training is the critical first step to launching a peacemaking career, especially in mediation and Collaborative practice. Training is also a big source of business for the practicing community. For example, the Center for Civic Mediation offers a thirty-hour basic mediation training that fulfills the training requirements of the California Dispute Resolution Programs Act.[98] In order to attend, the training is $645 for Los Angeles County Bar Association members and $725 for nonmembers.[99] But training is expensive. Students tend to be broke, and law schools are in a perfect position to offer the training to their students as part of the cost of tuition or provide a stipend to attend. New law graduates who are already certified to local standards and who have a few mediations under their belts will be well on their way to developing their approach and outlook; still, to truly become competent they will need far more training than they can get in law school.

Partner With Psychology, Social Welfare, And Other Professional Schools To Offer Interdisciplinary Learning And Service Experiences

Over a decade ago, the Best Practices Project of the Clinical Legal Education Association addressed the need for new teaching methods to give "each graduate . . . the knowledge, skills, and

values necessary to meet a new lawyer's legal and moral obligation to clients[.]"[100] Peacemaking practitioners have an obligation to be well prepared for work with practitioners across disciplines, and law schools should lay the foundation.

A groundbreaking example of interdisciplinary training teamwork can be found in the University of Denver's Resource Center for Separating and Divorcing Families. Launched in 2013, the Resource Center assembles and trains teams of psychology, social work, and law students to "provide[] an array of services for families with children that are going through a separation or divorce, including: legal education, mediation, financial advising and mental health services on a sliding fee scale," all under one roof and all under supervision.[101] Through forty hours of training, students learn early on that mediation can "quite seamlessly incorporate mental health clinical skills along with traditional legal approaches and knowledge";[102] they then spend a year actually helping families reorganize peacefully. A senior-status judge even comes to the center to finalize judgments and agreements. Students get training and invaluable experience, and modest-means clients have access to the tremendous power of an interdisciplinary team of peacemakers during perhaps the most difficult time in their lives.

NETWORKING, TRAINING, AND PLACEMENT: BUILD BRIDGES TO PRACTIC

Make Inroads With Your Local Community Of Peacemaking Practitioners

Career offices should develop knowledge of the local market of mediators, Collaborative practitioners, and other peacemaking lawyers so interested students can hit the ground running in networking to build their own peacemaking careers. They should devote staff resources to building relationships with peacemaking practitioners. Career offices should institutionalize that knowledge by putting it on the career services Web site alongside information about traditional litigation and transactional paths to take peacemaking out of the shadows and add legitimacy to peacemaking careers. Even better, they should let students benefit from this knowledge in the short term by organizing lunch talks, happy hours, brunches with peacemaking attorneys, and so on. The attorneys can, in turn, introduce students to the other spheres of practitioners who make up the interdisciplinary peacemaking approach.

Leverage Existing Connections (And Form New Ones) With Local Courts, Bar Associations And Practitioner Groups to Place Students and New Graduates

Law schools should develop externship and postfellowship programs by offering opportunities to students who would gladly work for free (or subsidized by their law schools) in exchange for on-the-job exposure and experience. For example, in order to qualify for the externship program at UCLA, the placement must have a licensed lawyer on staff to supervise the work of the students.[103] Law schools have substantial clout in their communities and the ability to screen for the best placements for their students.

In addition, law schools should also work with existing local courts, bar associations, and practitioner groups to provide networking and mentoring opportunities. For example, the Beverly Hills Bar Association Barrister recently hosted a "Brunch for 8," a friendly setting for eight attorneys and eight students to make new connections, ask questions, and find mentors. Similar networking and mentoring opportunities can be developed and be offered through the Los Angeles Collaborative Family Law Association, the Los Angeles County Bar Dispute Resolution Section, the Beverly Hills ADR Section, and the national ABA Dispute Resolution Section.

Sponsor or Subsidize Fees for Students Who Want to Attend Mediation and Collaborative Law Trainings and Conferences

This is a win-win-win: If law schools offer sought-after training opportunities for only some (or none) of the "retail price" (and perhaps without having to bring faculty or adjuncts on board), and

trainers get increased business and the clout of being associated with a law school program, students can get valuable and necessary training to become competent mediators and Collaborative practitioners. This option should ideally be in addition to, not instead of, experiential learning. In addition, students can be certified and therefore increase their marketability in the job market.

Launch a Lawyer Incubator to Help New Lawyers Build Practices that Serve Low- and Middle-Income Clients

While a gleaming interdisciplinary collaborative divorce center humming with busy professionals might be one view of the pinnacle of the peacemaking dream, most peacemakers are solos. Law schools should start incubators to help new graduates who want to strike out on their own right away by offering time-limited office space, training, support services, and mentorship. Since Fred Rooney launched the first incubator at CUNY School of Law in 2007, more than thirty such programs have been started across the nation.[104]

Here in California, the State Bar's Commission on Access to Justice recently gave a one-year grant to UCLA, Pepperdine, and Southwestern law schools to establish just such a modest-means incubator pilot project, in which four to five recent graduates from each school are equipped "with skills and trainings specifically geared toward effective solo practice management, including client communication, case management, and business opportunity development," along with substantive legal training.[105] In exchange, the participants commit to doing 200 hours of pro bono representation.[106] The schools are working with a consortium of public-interest legal service providers to make the program a long-term success. However, none of these providers include placements where students can develop their ADR skills and offer nonlitigation services to low-income and modest-income communities. Law schools should reach out to ADR organizations, like Center for Civic Mediation[107] and Asian Pacific American Dispute Resolution Center,[108] as placements for future incubator projects.

CONCLUSION

There has been an exciting trend toward nonlitigation in family law. As second- and third-year law students who have been educated in peacemaking and conducted our own independent research and interviews, it is clear to us that peacemaking is the way of the future for family law. After contacting and researching local practitioners in the field, we are surprised and delighted at the number of family law attorneys who currently offer or intend to offer mediation, limited scope, Collaborative Law, and other related peacemaking services. It is our hope that our observations and recommendations will be a foundation for even more work in the field of family law practice and more accelerated acceptance of peacemaking by both practitioners and top law schools. This transition toward more peaceful, mindful, compassionate, and effective professional legal services will allow attorneys to provide more holistic, optimistic, and efficient solutions to an ever-growing number of families. This is the right approach for the families we serve because, as *FCR* editor Andrew Schepard put it, our role as (future) attorneys is "to improve the lives of the people we work with, help them repair their relationships and encourage them to prevent future conflict."[109]

NOTES

1. Course materials for this course, including a syllabus, final examination, and the student survey described in this article, are available from Professor Forrest S. Mosten, UCLA School of Law, mosten@mostenmediation.com.

2. E-mail from Eileen Scallen, Associate Dean for Curriculum and Academic Affairs, UCLA School of Law, Oct. 10, 2014.

3. Forrest S. Mosten, *Course Reader*: *Law 904 - Lawyer as Peacemaker*, UCLA Law, https://curriculum.law.ucla.edu/Guide/InstructorCourse/1218?i=133 (last visited Mar. 5, 2015).

4. Asian Professional Exchange, *Mentorship*, http://apex.org/events/mentor (last visited Mar. 8, 2015).

5. Sandy Yu, *Essay of Qualifying Characteristics* (2011) (on file with author). The essay was part of her application to UCLA's David Epstein Program in Public Interest Law and Policy, of which she is a proud admitted student.

6. *See* Asian Pacific Dispute Resolution Center, *APADRC*, http://apadrc.org (last visited Mar. 8, 2015).

7. Alfred Thomson Denning, The Discipline of Law 5 (1993).

8. Rosa Flores & Rose Marie Arce, *Why Are Lawyers Killing Themselves?*, CNN, Jan. 20, 2014, http://www.cnn.com/2014/01/19/us/lawyer-suicides.

9. Due to the high stress and emotional burnout in the legal profession, many lawyers suffer from depression, alcoholism, and/or substance abuse. https://www.psychologytoday.com/blog/therapy-matters/201105/the-depressed-lawyer (last visited Sept. 30, 2015). "The Other Bar is a network of recovering lawyers and judges. . . dedicated to assisting others within the process who are suffering from alcohol and substance abuse." http://www.otherbar.org/about-us (last visited Sept. 30, 2015).

10. Due to the high stress and emotional burnout in the legal profession, many lawyers suffer from depression, alcoholism, and/or substance abuse. https://www.psychologytoday.com/blog/therapy-matters/201105/the-depressed-lawyer (last visited Sept. 30, 2015).

11. Sue Cochrane, *Putting a Heart into the Body of Law*, 15 Collaborative Rev. 24 (2014).

12. *See generally* Mosten, *supra* note 3.

13. Peter T. Coleman, The Five Percent: Finding Solutions To Seemingly Impossible Conflicts (2011).

14. *Id*. at 16–17.

15. Forrest S. Mosten, *Unbundled Services to Enhance Peacemaking for Divorcing Families*, 53 Fam. Ct. Rev. 439, 439 (2015).

16. For more on the unmet legal needs of the poor, see Legal Services Corporation, *Serving the Civil Legal Needs of Low-Income Americans: A Special Report to Congress* 12 (2000). For unmet needs of the middle-income consumers, see ABA Consortium of Legal Services and the Public, *Legal Needs and Civil Justice: A Survey of Americans* (1994); Wayne Moore, *Providing Civil Legal Services to Moderate Income People* (2014), *available at* http://www.americanbar.org/content/dam/aba/images/office_president/wayne_moore.pdf.

17. Mosten, *supra* note 15, at 9–10.

18. Forrest S. Mosten, Collaborative Divorce Handbook: Effectively Helping Divorcing Families Without Going to Court 152, 151–88 (2009).

19. *See generally Collaborative Divorce, What it is and How it Works*, *in* Mosten, *supra* note 3.

20. *Id*. at 163; *see also* Mary E. O'Connell & J. Herbie Difonzo, *The Family Law Education Reform Project Final Report*, 44 Fam. Ct. Rev. 524 (2006) ("it is essential that law students have at least a rudimentary understanding not only of the roles non-lawyer professionals play, but of the theories and assumptions on which they relay.").

21. *Id*. at 181–202.

22. Pauline Tesler, *Informed Choice and Emergent Systems at the Growth Edge of Collaborative Practice*, 49 Fam. Ct. Rev. 239, 245, n.7 (2011).

23. Mosten, *supra* note 15.

24. Mosten, *supra* note 3.

25. Andrew Schepard, *Editorial Notes*, 53(3) Fam. Ct. Rev. (Special issue) (2015) (Special Issue on Peacemaking for Divorcing Families).

26. Mary Elizabeth Lund, *The Place for Custody Evaluations in Family Peacemaking*, 53 Fam. Ct. Rev. 407 (2015).

27. Susan Gamache, *Family Peacemaking with an Interdisciplinary Team*, 53 Fam. Ct. Rev. 378 (2015).

28. Christine Coates, *The Parenting Coordinator as Peacemaker and Peace-Builder*, 53 Fam. Ct. Rev. 398 (2015).

29. Gamache, *supra* note 27.

30. *Id*.

31. *Id*.

32. *Id*.

33. *Id*.

34. Mosten, *supra* note 2, at 163.

35. *Id*.

36. Mark Baer, *Is the Adversary Model Appropriate or Suitable for Family Law Matters?*, The Huffington Post, June 6, 2013, http://www.huffingtonpost.com/mark-baer/is-the-adversary-model-ap_b_3412351.html.

37. During his externship, Matt listened over closed-circuit audio as a fourteen-year-old boy expressed his custody preferences to the judge in chambers per California Rules of Court 5.250(d)(3)(A) (2012). The boy came across confident, honest, and insightful, but was nevertheless in tears for much of the exchange.

38. Coates, *supra* note 28.

39. Lund, *supra* note 26.

40. *See generally* Coates, *supra* note 28. A specialized high-conflict court may include (1) case manager of all professionals involved, including the PC, therapists, lawyers, and others; (2) family motivator; (3) dispenser of positive reinforcement; (4) compliance monitor; and (5) the traditional trier of fact.

41. Lund, *supra* note 26.

42. *Id*.

43. *Id*.

44. Mosten, *supra* note 2, at 5; *see also* Forrest S. Mosten, *Lawyer as Peacemaker*, 43 Fam. L.Q. 489 (2009).

45. *See generally Self-Represented Litigants and Court and Legal Responses to Their Needs: What We Know*, *in* Mosten, *supra* note 3 [hereinafter *SRL Study*].

46. Sue Talia, *Limited Scope Representation*, *in* Luz Herrera, Reinventing the Practice of Law (ABA 2014).

47. *Id*.

48. *Id*.

49. Mosten, *supra* note 15.

50. *Id*.

51. *Id*.

52. *Id*.

53. *See* Susan Daicoff, *Restorative Justice Circle Process with Families in Conflict*, 53 Fam. Ct. Rev. 427 (2015).

54. http://www.mostenmediation.com/books/articles/Beyond_Mediation_Toward_Peacemaking_ACR.pdf (last visited Mar. 1, 2015).

55. Daicoff, *supra* note 53, at 15.

56. *Id*.

57. Kenneth Cloke, *Encourage Forgiveness and Reconciliation in Divorcing Families*, 53 Fam. Ct. Rev. 418 (2015).

58. *Id*. at 20.

59. Rebecca Love Kourlis et al., *IAALS' Honoring Families Initiative: Courts and Communities Helping Families in Transition Arising from Separation or Divorce*, 51 Fam. Ct. Rev. 351 (2013).

60. John Lande, *The Revolution in Family Law Dispute Resolution*, 24 J. Am. Acad. Matrimonial L. 411, 416 (2011).

61. William J. Howe III & Elizabeth Potter Scully, *Redesigning the Family Law System to Promote Healthy Families*, 53 Fam. Ct. Rev. 361 (2015).

62. Lande, *supra* note 60, at 14.

63. Rebecca Love Kourlis, *It Is Just Good Business: The Case for Supporting Reform in Divorce Court*, 50 Fam. Ct. Rev. 549 (2012) (arguing the business community should support family court reform because workers suffering through adversarial divorces are less productive and negatively impact the work environment).

64. http://www.afcc-ca.org/pdfs/AFCC_DECLARATION_OF_PUBLIC_HEALTH_CRISIS.pdf (last visited Mar. 1, 2015).

65. *SRL study*, *supra* note 45.

66. *Id*.

67. Thomas Trent Lewis, *Helping Families By Maintaining A Strong Well-Funded Family Court That Encourages Consensual Peacemaking: A Judicial Perspective*, 53 Fam. Ct. Rev. 371 (2015).

68. *Id*.

69. *Id*.

70. Current law and local rules mandate court-based mediation prior to any hearing involving child custody. These mediations are often scheduled for the morning of the hearing and often do not result in a resolution.

71. *See, e.g*., Kourlis et al., *supra* note 59, at 364–65 (highlighting efforts in Minnesota).

72. *See, e.g*., *id*. (noting Connecticut's pioneering "a combination of intake process and a menu of services that include[] mediation, a conflict resolution conference, a brief issue-focused evaluation, and a full evaluation") .

73. Lewis, *supra* note 67.

74. While the piece details changes being wrought both in court and in the community of practitioners, we were especially struck by the examples of court-based leadership in this field. Among the non-court-based innovations discussed in Howe and Scully's piece were an interdisciplinary school-based Family Relationship Resource Center in Denver, the spread of licensed legal technicians, and unbundling.

75. Howe & Scully, *supra* note 61.

76. Francesca Gerner, Partnership of Victorian Family Relationship Centres, *Family Relationship Centres: Delivering Family Law Reforms Since 2006* 3, 7 (May 31, 2013).

77. *See* recommendations *infra*.

78. Howe & Scully, *supra* note 61.

79. *Id*.

80. *Id*.

81. *Id*.

82. *Id*. See also Benjamin R. Simpson, *Informal Custody Trial: A Child-Focused Alternative*, http://isc.idaho.gov/judicialedu/judges/ChildCustody/Informal_Custody_Trial_Benchbook_Article.pdf (last visited Sept. 30, 2015).

83. Howe & Scully, *supra* note 61.

84. For example, a 2003 study of Collaborative lawyers found that their average age was sixty and they had been in practice an average of twenty years; in a 2008 collaborative survey, "the median length of time in practice was 11-15 years." John Lande, *An Empirical Analysis of Collaborative Practice*, 49 Fam. Ct. Rev. 257 (2011).

85. "Family lawyer peacemakers come from all backgrounds, have very different personalities, and offer services ranging from litigator to parent educator." Mosten, *supra* note 44, at 489.

86. "Family law has already begun the evolution away from the traditional adversarial role towards peacemaking." *Id*.

87. *See generally* Lande, *supra* note 84.

88. *See, e.g*., Gerner, *supra* note 76.

89. *See* SRL study, *supra* note 45.

90. *See, e.g.*, Sales et al. (1991), John Lande, *An Empirical Analysis of Collaborative Practice*, 49 FAM. CT. REV. 257 (2011), in which twenty-two percent of self-represented litigants surveyed did not want to pay for a lawyer even though they could afford one.

91. Lande, *supra* note 84, at 257 ("[I]f the CP movement is to grow beyond a narrow niche practice, its leaders should develop an effective strategy to expand the client base. This would involve making CP more attractive to more lower- and middle-income clients and finding an effective way to serve legal aid clients.").

92. Interview with Elizabeth Moeller, Assistant Dean for Career Services at UCLA School of Law (Feb. 6, 2015).

93. *Id*.

94. *Id*.

95. *See* Appendix, Survey Results.

96. *Id*. at Question 6.

97. Interview with Eileen Scallen, *supra* note 92.

98. L.A. County Bar Ass'n, *Center for Civic Mediation 30 Hour Basic Mediation Training*, http://www.lacba.org/showpage.cfm?pageid=4484 (last visited Mar. 8, 2015).

99. *Id*.

100. Clinical Legal Education Association, Best Practices for Legal Education (Aug. 31, 2005), http://www.professionalism.law.sc.edu/news/html (cited in O'Connell & Difonzo, *supra* note 20.

101. Melinda Taylor et al., *The Resource Center for Separating and Divorcing Families: Interdisciplinary Perspectives on A Collaborative and Child-Focused Approach to Alternative Dispute Resolution*, 53 FAM. CT. REV. 7 (2015).

102. *Id*.

103. E-mail from Lisa Mead, Director of Extern and Field Placement Programs, Feb. 5, 2015.

104. Kevin Davis, *Out of the Egg Young Lawyers Take Flight After Incubator Programs*, ABA J., Feb. 2015, at 29, 30.

105. Press release, UCLA, *Pepperdine and Southwestern Law Schools Receive State Bar Grant to Establish Attorney Incubator* (Jan. 12, 2015), *available at* https://law.ucla.edu/news-and-events/in-the-news/2015/01/ucla-pepperdine-and-southwestern-law-schools-receive-state-bar-grant-to-establish-attorney-incubator.

106. *Id*.

107. Center for Civic Mediation, http://centerforcivicmediation.org (last visited Mar. 8, 2015).

108. Asian Pacific American Dispute Resolution, http://apadrc.org (last visited Mar. 8, 2015).

109. Schepard, *supra* note 25.

Matthew Zeidel is a recent law graduate at UCLA. He began his career in the realm of print journalism but changed his path when he discovered that words are the lawyer's tools of trade—he knew how powerful words could be as a journalist but wanted to assist families in conflict using these tools. He is especially interested in family conflict and family law.

Sandy Yu is a recent graduate with a joint J.D./MSW degree welfare from UCLA. She is interested in the counseling and client interview aspects of the law. She is particurally interested in family law, child advocacy law, and elder law.

Sarah Zerehi is a third-year law student at UCLA. Through working on this article, her interest in family law has been ignited.