

COLLABORATIVE LAW – AUSTRIAN STYLE PART II: The Journey

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The inception of Collaborative Law into the heart of Europe is an ongoing journey of ups and downs influenced along the way by cross-cultural factors. As fitting as it was to have the founder of Collaborative Law, Stuart Webb present it for the first time in Europe, January 2003, this was one component of a series of fortuitous events. In a larger context, the beginning of Collaborative Law in Austria is part of a world wide movement of restorative justice and the culture of peace that strikes a chord with many people.

Upon reading about the existence of Collaborative Law in North America, the Canadian author, Elise, arranged to have an introductory training with the founder of the Collaborative Law practice group in Victoria, British Columbia, Robert Klassen and his associate, Joy Smallenberg. “Re-tooled” in Pauline Tessler’s words with a new awareness, the Canadian author returned to the centre of the European Union. But not before having discussed with other cutting-edge proponents of Collaborative Law in British Columbia about bringing this new dispute resolution method to Austria and a great curiosity about whether it existed here.

The answer was no. Inspired by the opportunity to bring Collaborative law to Europe, the Canadian author set about assembling the perfect team. After hearing Dr. Lyly Rojas de Knaus as the keynote speaker at a conference it was clear she would be the ideal partner to deliver cross-cultural integration and communications training, an integral component of collaborative law. A Nicaraguan, she was educated in the States and has lived and worked on four continents. Due to her work in international management issues and peace, Dr. Knaus was intrigued by Collaborative Law. She cautioned Elise about proceeding without maximum focus on increasing cross-cultural understanding. Agreeing to work with the author (and now we are the co-founders of the Collaborative Law International European Institute) the first member of the team was firmly in place. Wanting to respect the established legal system, the next team player was Dr. Andrea Haniger, one of the most accomplished lawyer/mediators in Austria. After joining our trainings, she was our first trainer to have recently successfully completed the first collaborative law case in Austria, if not Europe.

The next logical step was to hold a meeting for interested lawyers in Vienna on November 19, 2002 for what Elise referred to as a “brainstorming session”. It turned out to be more of a

cross-examination by a very feisty group of lawyers, drawn out all the more by the necessary participation of a translator. Elise received a lesson in the oratorical style of some Austrian litigators who favour asking multiple-part questions to which one can attest to, really loses much in the translation. Even Dr. Haniger participated in the fray, however she has questioned not the process itself, but its place along the continuum of ADR methodologies. At the end of the meeting, the Canadian author commented to her that the meeting appeared not to have gone very well. She disagreed and said indeed, it had gone quite well as we had planted seeds in the minds of several legal luminaries including the Secretary-General, Dr. Michael Czinglar, of the Austrian Lawyers' Mediation Association (the "AVM"), who Elise knew that without his support, there would be no Collaborative Law in Austria. Fortunately, Dr. Lyly had already fore-warned that cultural integration and buy-in is slow going and the brainstorming reinforced this idea. It must be an organic process with all the players feeling involved and contributing in some way, either positively or negatively.

In the meanwhile, Elise had made some phone calls back home for moral support and to check on our progress, particularly to Janis Pritchard (the co-creator of the Palliser Conflict Resolution method) who suggested that we call Stuart Webb as she believed that he was planning to be in Europe that fall. Dubious that she would get a response, Elise called him and in fact, received a very warm reception along with a gracious offer to come to Vienna for a presentation with Marion Korn. The pressure was fairly intense, as we were compelled to ensure this event would transpire. Dr. Lyly reiterated the significance of cross-cultural differences and the notion of not taking the process personally. So we went ahead to start planning the training with Dr. Czinglar. As our planning progressed, it seemed the small flame of interest began to wane, but due to our commitment and our repetition of what became our mantra "Don't take it personally!" by the time Stu Webb arrived in Austria, we had the necessary core group of interested lawyers and mediators. The seminar was clearly a resounding success, the group was very moved by the commanding presence of Stu and it seemed that the future of Collaborative Law in Austria was assured.

As by now our mantra was firmly entrenched, we realized again, success did not necessarily mean that events would unfold quickly. Dr. Lyly reminded us that in order for this concept to have buy-in, the Austrian lawyers would themselves have to dictate the pace. We had to learn that part of their pace included the condition that full commitment would hinge on the success of at least one more seminar. We had a moment of discouragement when close to the deadline for the seminar registration, there were not the minimum number of participants. We need not have worried.

The October seminar was a seminal event. The combination of the stellar presentation of the Palliser Conflict Resolution methodology with the respectful and precise ability of Dr. Lyly in cross-cultural communications training, conveyed to the participants a tangible way to proceed and the ability to carry it through. Dr. Lyly's experience of training diplomats in war zones certainly equipped her for unruly lawyers. In fact, the core group who attended the seminar seemed ready and able to take over the entire process including re-naming it more appropriately for a European market. We reached our goal then: Collaborative Law was theirs.

Since then, the two authors formed the Collaborative Law International European Institute, the brainchild of Dr. Lyly who, as an expert in cross-cultural issues, perceived the need for a European medium to disseminate information and raise awareness including translated articles, new developments, a roster of participating lawyers, links and trainings. At the moment, the website should be up and running by September, 2004 accessed by www.collablaws-intl.com. We have continuing plans for trainings to be taught by the co-

founders of the Collaborative Law International European Institute, as well as Dr. Andrea Haniger and Dr. Friedrich Schwarzinger. After many discussions amongst ourselves—in the spirit of buy-in, our next training will proceed as a multi-national team with local and national Austrian lawyers in German and and Dr. Lyly teaching advanced skills in the international business language of Europe, English.

Elise's one overriding thought throughout her initiating this developmental process has been that Collaborative Law will prevail over any one person or event, its powerful integrity making it irresistibly bouyant to setbacks of one sort or another, of which we have had any number! Perhaps it is because the underlying values including respect, integrity, honesty empathy, patience, improved communication and responsibility, which have transformed school cultures and criminal courts through restorative justice, resonates as well with our vision of the global development of Collaborative Law. And, an integral part of a more compassionate global society of unique nations.