

Background on David Hoffman

David Hoffman is the founder of the Boston Law Collaborative and a mediator, arbitrator and lawyer. David is a co-author of *Massachusetts Alternative Dispute Resolution* and co-editor of *Bringing peace into the room: How the personal qualities of the mediator impact the process of conflict resolution*.

A senior commercial, business and family lawyer, David teaches the mediation course at Harvard Law School and is also a collaborative law trainer and member of the International Academy of Collaborative Professionals (IACP). He is the past chair of the ABA Section of Dispute Resolution and was chosen in 2004 as one of the "Top 100 Lawyers" in Massachusetts in Boston Magazine's *SuperLawyers Directory*.

He currently chairs the ABA Section of Dispute Resolution - Collaborative Law Subcommittee. He has published extensively on collaborative practice and mediation.

As the keynote speaker at the 9th International Dispute Resolution Conference in Wellington, 19 – 21 September, 2007, David will be speaking on *Mediation and the Meaning of Life*.

Drawing on the material published in David's article "Mediation and the Meaning of Life" in the Dispute Resolution Magazine July 2005 we summarise as follows.

David refers to psychiatrist Victor Frankl's belief that the need for life to have meaning is the deepest, strongest yearning. Applying this view in the context of mediation, David discusses the need for mediators to be aware that "meaning" is one of the fundamental interests a party brings to the table. Wearing our mediator's hat we need to fully comprehend that bundled up in a party's needs and interests, which may at the surface be money or reputation, will be their understanding of meaning and identity. David explains that reframing is a useful technique for the mediator assisting the parties to articulate their sense of meaning.

David believes that in the context of loss, the usual setting for mediation, if we can empathise with the parties' sense of meaning and its relationship to that loss then we can better assist them to resolve their dispute. While they come to mediation for settlement they often leave with resolution.

Interview with David Hoffman

Conducted by Catherine Davidson, LEADR *Update* editorial team

- *The concept of a multi disciplinary law firm such as yours is an innovative model by Australian standards. How has your business been accepted in the marketplace?*

Our firm is an innovative model by US standards as well. We have grown from two people to more than a dozen in the four years since Boston Law Collaborative was formed, because there has been dramatically increased interest in collaborative and multi-disciplinary solutions.

- *As Chair of the American Bar Association's Collaborative Law Committee what has been that Committee's most significant initiatives? Has the group been successful in increasing the awareness and understanding of the collaborative law model?*

Our committee is focused on several initiatives right now. The two that have the most visibility are (a) developing a position paper on ethics, taking the view that the principles of legal ethics are entirely consistent with Collaborative Practice, and (b) advocating for enactment of a uniform statute on Collaborative Law in the

US (our committee will be sending a representative to the meetings of the drafting committee of the National Conference of Commissioners in Uniform State Laws).

- *What are the challenges you face as a practitioner while informing clients about process options yet encouraging them to make a collaborative commitment?*

Practitioners face three basic challenges: (a) ascertaining whether the other party is willing to be truly collaborative; (b) determining whether the parties have sufficient resources to press on with successor counsel if the collaborative efforts reach an impasse; and (c) helping the clients understand how the negotiation dynamics change significantly when they make this collaborative commitment (since some clients think that if both sides pick the right lawyers, no formal disqualification agreement is needed).

- *In "Bringing Peace into the Room" you propose that as mediators we bring a combination of psychological, intellectual and spiritual qualities to the mediation table. You argue that it is the mediator's "being" that has an impact on both the process and outcome of the mediation. How as mediators do we gain a deeper understanding of our "being" and the qualities that make us better mediators?*

I think we achieve that level of understanding as mediators the longer we practice. I think of mediation as a form of spiritual practice – as mediators, we find ourselves involved in some of the most personal and meaningful issues in people's lives, and that, over time, has an effect on us. I have seen myself become less reactive, less judgmental, and less impatient as I have become more comfortable with my role as a neutral.