

“I have come to see forgiveness as revolutionary and perhaps the most important concept in the legal profession.” — Barbara Monty

Eileen Barker: How I Became A Forgiveness Lawyer

When I started my legal career, my sights were firmly set on becoming a trial attorney. Little did I know that life had other plans for me. Out of law school, I landed my dream job as a trial attorney for the U.S. Department of Justice, and later worked as a litigator for a major San Francisco law. However, I quickly became disillusioned, not only with litigation but the entire adversarial legal system.

It was a happy day when I discovered the nascent field of mediation. During my first mediation training with Gary Friedman, he talked about how mediation provided people the chance to actually heal their relationship. I knew I had finally found my true calling and there was no turning back.

Over the next 20 years, I mediated all sorts of disputes – commercial, employment, probate, family, divorce, you name it. After all the years of struggle, I finally had work aligned with my values and I was incredibly grateful for this. But this too eventually came to an end.

Sadly, as mediation came into wide-spread use in the legal system, most lawyers and judges cared only about achieving a settlement, not whether the parties’ relationship was healed. Increasingly, lawyers insisted on sitting in separate rooms, with the mediator shuttling back and forth. As a result, even when the parties settled their cases, they remained extremely hostile to each other. While the lawsuits might be settled, the conflicts were not fully resolved by a long shot.

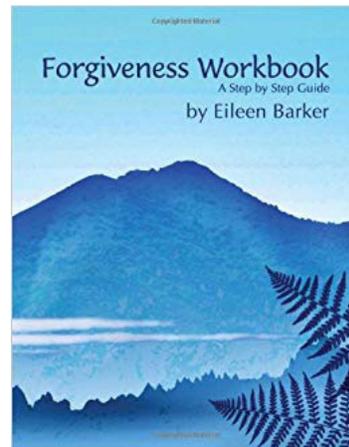
This bothered me. A lot. Mediators counted cases as a success if the case settled, turning a blind eye to the anger and animosity that persisted. I didn’t know how, but I was determined to find a way to help people truly resolve conflict and achieve peace.

“I thought, if Mandela can lead the people of South Africa to forgive after the atrocities of apartheid, surely we can find a way to apply forgiveness to most if not all of the legal and interpersonal disputes that lawyers encounter daily. Surely it was possible to forgive in these situations as well.”

A turning point came in 2005 when I came across the autobiography of Nelson Mandela, entitled *Long Walk to Freedom*. I started reading it one evening, and found that I could not put the book down. In it, Mandela tells the riveting story of his life, and of the ending of apartheid in South Africa. Through his eyes, I came to understand more fully the horrors of apartheid, a system of institutionalized racism and white domination. When Mandela became President of South Africa, he was urged by many to convene criminal tribunals to hold apartheid leaders accountable and gain retribution for the atrocities committed under the apartheid government. Mandela understood that retribution would only perpetuate the cycle of hatred and violence between the races, which South Africa could ill afford. Instead, Mandela courageously established the *Truth And Reconciliation Commission* as a vehicle to promote truth telling, forgiveness and healing.

Realizing the enormity of Mandela’s choice was a life-changing moment for me. It led me to closely study the life and teachings of Mohandas Gandhi, one of Mandela’s role models. It also led me to Archbishop Desmond Tutu’s book, *No Future Without Forgiveness*, which further reveals the crimes committed in the name of apartheid and many miraculous examples of forgiveness which emerged from the Truth and Reconciliation Commission hearings.

Against this backdrop, I reflected on the cases I encountered as a lawyer and mediator: conflicts between large and small businesses, corporations, partners, neighbors, employers and employees, doctors and patients, lawyers and clients, co-workers, spouses, and family members. I thought, if Mandela can lead the people of South Africa to forgive after the atrocities of apartheid, surely we can find a way to apply forgiveness to most if not all of the legal and interpersonal disputes that lawyers encounter daily. Surely it was possible to forgive in these situations as well.



While this seemed obvious, it was equally apparent to me that the very notion of forgiveness – even the word forgiveness – was an anathema in the legal field. Clearly this had to change. I became committed to making forgiveness available in legal disputes, notwithstanding whatever skepticism I might encounter.

I began studying forgiveness, teaching classes and talking to lawyers and mediators about the importance of forgiveness in legal disputes. I learned how forgiveness works, what gets in the way, and how to overcome these obstacles. I developed a forgiveness process that has been used in my forgiveness trainings, retreats and private forgiveness coaching, and is contained in the *Forgiveness Workbook*.

Pepperdine Law School asked me to write a ground-breaking law review article on forgiveness, the first of its kind entitled *The Case For Forgiveness In Legal Disputes*, published in 2013. Since then, I have developed an advanced training program, for lawyers, mediators and other professionals who wish to help their clients forgiveness. This program, entitled the *Forgiveness Coaching Program*, is now in its third year.

I feel privileged to help people forgive and heal in such a profound way. Yet the greatest gift of forgiveness, and the greatest learning about forgiveness, comes from experiencing it first-hand. Life offers us never-ending opportunities to practice forgiveness. I encourage my students to learn by doing, and I practice this in my own life as well. Forgiveness is not easy, but the rewards are great. Forgiveness has not only provide me with an extremely gratifying career path, but has also been a profound spiritual path.

Barbara Monty: My Road to Forgiveness in Law

Several years ago, a friend invited me to attend a forgiveness workshop given by Eileen Barker. Eileen had us do emotional/spiritual exercises to get to our feelings. I felt silly, but stayed.

I do not come to the concept of forgiveness easily. I was raised in a tough neighbourhood of older boys in Massachusetts and my father, a homicide detective, made sure I knew how to protect myself, verbally, intellectually and physically. As a result, I am comfortable with conflict and as a civil litigator I have been characterized as a “gladiator”.

I have come to see forgiveness as revolutionary and perhaps the most important concept in the legal profession. My journey to believing this has been gradual and continues. What I am sharing is from my own experience and is informed from observing the effect of forgiveness on others.

Over the next few years, I ended up participating in several daylong and weekend retreats Eileen gave. This was partly because I found her approach intellectually interesting and because she made space for my skeptical nature. The early participants were therapists, counsellors, caregivers and what I would characterise as “New Age” types. I felt uncomfortable with so much emphasis on “feelings” and discussions about spirituality. Nevertheless, I could see that if humans could recognize how much our feelings drive conflict we could deal with resolution more efficiently. For me the attraction was how “useful” forgiveness was in my litigation and mediation practice.

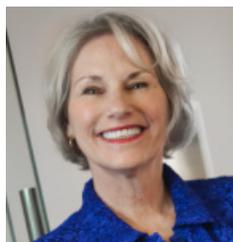
I began to read more about forgiveness and gradually did forgiveness work on my own life using the workbook that Eileen developed. The result was that I saw how part of my “gladiator” approach to my work was from a feeling of defending myself and my clients from not only real, but also perceived harm. I could also see that if we humans remain trapped in our feelings, it is difficult to make decisions that are most beneficial.

As I continually work on myself, I physically can identify when my emotions are blocked and how this may be affecting my intellectual capacity. Now, I begin each case with the assumption that emotions are involved and I remain alert to identify them and to discover ways to release either the guilt or desire for revenge.

Wanting to share the principals of forgiveness with lawyers, Eileen, Judge Roy Chernus and I gave our first “Forgiveness” presentation to the Marin County (CA) Bar Association. The room was packed with lawyers, mediators, judges and other professionals. The presentation was well received and soon we were giving similar presentations including one for the San Francisco Bar Association and Resolution Remedies, a local ADR company, this time including Fred Luskin, author of the book *Forgive For Good*. By this time, I had begun using concepts of forgiveness in my mediation and litigation cases. I have since taught classes in forgiveness at universities, local law schools, groups of women business owners, and even to teachers in Tanzania. However, most of my forgiveness work remains “in the trenches” using concepts of forgiveness in mediation and litigation.



Eileen Barker is a lawyer/mediator and forgiveness teacher. She has developed a unique process that enables people to transform conflict into peace, and move from anger and resentment to forgiveness. Eileen has taught extensively on mediation, conflict resolution and forgiveness at UC Berkeley School of Law, UC Hastings College of Law, Sonoma State University and elsewhere. She currently serves as “of counsel” to Monty White LLP. Since 2007, Eileen has led numerous courses and retreats throughout the US and Europe. Eileen is the author of *The Forgiveness Workbook*, which contains her ground-breaking process. In 2016, Eileen received a lifetime achievement award from the Worldwide Forgiveness Alliance, along with Nelson Mandela and Desmond Tutu. Read more at www.thepathofforgiveness.com



Barbara Monty is a mediator and litigation partner with Monty White LLP in San Rafael California. She has been recognized by the California Bar Association for her cutting edge work in elder abuse and was one of the first lawyers litigating sexual harassment cases against the US Government. Barbara has mediated cases for clients from fortune five hundred clients to violence among gang members. She has been an early leader for the legal rights of the LGBTQ community and is now working to incorporate the principals of Forgiveness into her mediation and litigation practice.

Monty White LLP provides assertive, professional, responsive legal services. Monty White attorneys, many of whom have practiced for over 30 years each, have expertise in a wide variety of practice areas, including personal injury, immigration, criminal defense, commercial, employment, estate planning, elder law, business, intellectual property, construction and family law. This experience allows Monty White to provide clients with early evaluation, efficient litigation and successful results.