

Collaborating with Creativity in Mind



We are sitting in a circle having an annual retreat of collaborative professionals. It is sunny outside. There is a gentle breeze in the air. The task at hand is to re-evaluate the mission and vision statement. The question posed is “What drew you originally to collaborative practice?” One word answers are preferred. My turn. My answer: creativity.

Think of any recent collaborative case. The children’s time with the parents. The division of assets and debts. It’s the same over and over. Yet each case is unique and each one calls for a unique solution. This is where creativity comes to dwell. People have different interests, come from different backgrounds and some are undeniably more creative than others. But there is evidence that creativity is not reserved for the painters, musicians and sculptors. Each of us has an inner Leonardo Da Vinci and creativity can be found in different professions. Even in the practice of law. Let us look at the collaborative practice. Is collaborative practice a creative process?

Going back in time, the four stages of creativity were described in *The Art of Thought* (1926) by Graham Wallas, a psychologist and co-founder of London School of Economics. He set out the following four stages:

1. Preparation (write down the problem)
2. Incubation (the problem is embedded in the unconscious)
3. Illumination (the idea of how to address the problem enters conscious awareness)
4. Verification (the idea is developed further and becomes applied)

What about the collaborative process? Is there any parallel that can be drawn? I suggest the collaborative process has the following stages:

1. Preparation (when we become aware of the clients’ problems and gather necessary facts and documents to address them)
2. Incubation (after discussing the problem with the clients and a four-way meeting, the problem begins to dwell in the unconscious mind)
3. Illumination (during the four-way, the ideas manifest themselves as options that the clients discuss)
4. Verification (the options are chosen and incorporated into a legally binding contract)

As the collaborative process becomes an exercise in creativity not only for the clients but also for the whole team, you may wonder if creativity can be cultivated and developed. What advice can we give our clients as they leave our offices and ponder their future? How about “Sleep on it!”?

In her book *“The Committee of Sleep: How Artists, Scientists, and Athletes Use Dreams for Creative Problem Solving – And How You Can Too”*, D. Barrett presents fascinating research confirming that the inspiration to create solutions to our problems can indeed come to us in dreams. It is recognized that dreams have inspired visual art even 17,000 years ago in the caves of Lascaux, France, the earliest known human art. Dreams have captured the imagination of Australian Aborigines (distinctive dot paintings on bark), painters such as Salvador Dalí and Frida Kahlo and film directors including Ingmar Bergman, Federico Fellini and Akira Kurosawa who famously said “Man is a genius while dreaming”. But you do not have to be an artist to find a solution to the problem you are working on. Dmitri Mendeleev for years struggled to classify chemical elements until one night, after spending

hours on the problem, he fell asleep and “saw in a dream a table where all the elements fell into place as required”. He recorded what he saw and the table of his dreams is now the “Periodic Table of the Elements” being studied to this day. Even a Nobel Prize in Medicine went to a researcher who saw the solution in his dream!

Barrett states that “visual and narrative ideas are most compatible with dreaming.” But why? Neurologists claim that it is because dreaming is simply the “mind thinking in a different biochemical mode” (visual and motor areas of the brain become more active during REM). So does creativity dwell in the right side of your brain? Wrong! At least according to Harvard psychologist Roger Beaty who studied the brain scans of volunteers trying to invent new uses for everyday objects. His studies published in the *Proceeding of the National Academy of Science* confirmed that the whole brain is working when people come up with creative ideas which dispels the myth of left versus right brain in creative thinking.

It is common knowledge that we spend one third of our life asleep and, as Barrett says, “one third of *that* in dreaming.” This gives us ample opportunity to tap into the creativity dwelling in our minds for many years of our lives. So what advice can we give to our clients? Here is the creativity enhancement technique that Barrett recommends in her book:

1. Write down the problem and place this by your bed
2. Review it for a few minutes just before going to bed
3. Tell yourself you want to dream about it as you are falling asleep
4. Keep a pen and paper on the night table
5. When you wake up, lie still for a few minutes, noting whether you can recall the dream and write it down.

Voilà! Problem solved!

I come back from my daydreaming into the present moment. The sun is pouring down. What drew me to collaborative process? AHA! Creativity! What about YOU?

Law has been practised for centuries within the ambit of its strict rules and procedures. It was protractive, expensive and unsatisfactory. It remains that way in many parts of the world. Imagination and originality were believed to belong to literature, the arts, music and the theatre. Yet in the last decade of the 20th century it took one brave American soul in Minneapolis to challenge that dominant paradigm in a unique way, the Stu Webb way.

Collaborative practice unlocks creativity for all practitioners, but it must be cultivated with the dutiful diligence of a lawyer and the passion of a creative artist. We must all share our ideas about collaborative practice creatively to prevent its demise in the future. May I invite you all to engage in the “creativity enhancement” ritual? Remember, the first step is “write down the problem as a brief sentence and place it by your bed.” The problem is: “How to ensure the growth of collaborative practice in the 21st century?”. Tonight follow the remaining steps of the ritual. Whatever ideas arrive in your dreams send them to the Collaborative Practice Committee at: “drcollaborative@gmail.com” upon awakening.

Let us all search for our inner Da Vincis and... Sweet dreams!

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