

B.C. LAWYER HAS LEAD ON CANINE-ASSISTED MEDIATION

Canine-assisted mediation in family dispute resolution has arrived in Canada walking on the padded paws of Charlie Paul, a loveable, curly-haired Standard Poodle, whose photo proudly appears on the website of the Paul & Company law firm in Kamloops, B.C.

“Because it has never been done before, I’m working hard to follow a plan, follow a method and protocol,” says David Paul, as he now translates his master’s thesis research on using dogs for dispute resolution into a reality.

His master’s thesis examines how canines can create a calming effect on couples going through a divorce or common law breakup. It’s a timely move as Canada revamps its Divorce Act so mediation precludes court action and brings the federal statute in line with B.C.’s Family Law Act, which stresses mediation before court action.

Paul has used Charlie — still puppy-ish — in some initial mediation sessions with positive results. But, this December, when Charlie turns two, he will add credentials to his obedience training, as he enrolls in the St. John Ambulance program for therapy dogs, becoming Canada’s first full-fledged canine-assisted mediation dog.

Paul, whose thesis (available on his website) was published in the *Harvard Negotiation Law Review* in April, says the mediation system works best when the mediator knows the dog. “He may go to one party more than the other,” he says. The dog may be sensing something in that person as mediation unfolds that the mediator needs to be attuned to.

Medical and mental health facilities have long discovered there is something calming about dogs, and even universities have used visitor dogs to calm students prior to exams. What Paul has done is provide more insight into the why and determine how it can be used to help couples through a stressful period. This calming effect is connected to a hormone produced by the body during caring touching called oxytocin.

Paul, a former B.C. president of the B.C. chapter of the Canadian Bar Association and a firm partner with 30 years in practice, first discovered oxytocin when he decided to pursue a master’s in dispute resolution at York University’s Osgoode Hall Law School. “Dispute resolution is now as mainstream as going to court,” he says, adding that, with grown-up kids, a supportive family and growing emphasis on mediation, “all the stars were lining up.”

Paul says that when he had to think about a topic for his paper, he knew he had an interest in reducing the stress inherent in family breakups. “How do we deal with the emotions? How do we deal when emotions escalate?” he asked, since he knew stress can derail negotiations.

Paul looked at different options, including educating lawyers to become more emotionally sensitive and equipped to deal with stressed individuals. “What can we do to be more resilient to the fact that they are going through a horrendous



David Paul with his dog Charlie.

time in their lives?” he says. He came across a neurophysiology article entitled *Bringing Oxytocin into the Room*, which dealt with oxytocin in conflict resolution by Kenneth Cloke, published in January 2009, on Mediate.com. It described how study subjects who were induced with higher levels of oxytocin by inhalation were calmer. Oxytocin can also naturally occur when a person is amicably touched by another person.

Study participants became more open-hearted, more empathetic and operated with more insight during mediation. “They were better able to resolve their disputes,” Paul says. The article fascinated him; but ethical issues loomed. “You can’t pump it through the air conditioner,” he quips, underscoring the difference between real life and a study.

While Paul was in Toronto taking master courses, his wife emailed him a photo of an adorable Standard Poodle puppy. It had been two years since the loss of their last family pet. The family vacillated over getting another dog because of timing, the emotional impact of losing a family member and new floors in their family house. But the image of the puppy tugged at Paul. “I said get it now before I change my mind,” he says. They waited for the pup to be born.

On Dec. 25, 2016, the phone rang proclaiming Charlie’s arrival a week earlier and delivery date of March 2017. “It was a huge Christmas surprise for all of us,” he said, but it was also a joyous one that spurred Paul to look at dogs in mediation.

But he could find only one article on dogs in mediation. He approached his advisor, who was thoroughly supportive of his original topic. “I was told if I wanted an ace paper, I should go to the deepest part of the ocean and explore the unexplored,” Paul says.

He dove into a depth of literature looking at how dogs worked with early man, medical journals, occupational and

psychology and sociology articles. “In all these articles, there was a very strong common theme that dogs had a positive therapeutic effect on people with a disability, who had undergone surgery, had cancer, could not walk, hear or see [and] children with autism,” he says.

It was during his literature review on how body chemistry changed when dogs were introduced to interact with humans in friendly situations that he struck gold. The oxytocin levels rose.

“This was a way of getting more oxytocin into the room ethically,” he says. Paul knew he was on to something and began writing. His advisor suggested sending it out to peers. Much to his surprise and delight, the Harvard publication picked it up

and canine-assisted mediation has since drawn international attention.

Research has since given way to developing protocol, such as the suitability of therapy dogs, allergies to be considered and the consent of both parties. If the couple is fighting over ownership of a pet, it is obviously not a good tool. Paul is willing to give seminars on how to implement CAM if other mediators are interested.

As for Charlie? “He’s a freebie,” laughs Paul, as he doesn’t do billable hours. “He works for kibble, treats and lots of love.”

-JEAN SORENSEN