

Do you love doing mediation? Does it get you excited to meet new people and help them work through their presenting issues through your guidance in the mediation process? Do you jump out of bed in the morning and hit the ground running, anticipating breakthroughs and resolution of conflict?

For some practitioners, these are not exaggerations, but their overall career evaluation; doing mediation brings them joy. For some, this is not a daily euphoria, but an occasional one, that keeps us motivated and at the top of our mediation game.

As the majority of us here are advanced practitioners, some with 20, 30 or 40 years of practice in this field, we can recall the protocol and training, the supervision and mentoring, the trial and error, the occasional grind to become qualified and land our first mediation job or establish our own practice. Remaining relevant is an ideal that newly minted mediators can begin to aspire to, as well, however.

I would like to suggest that with all your training and experience, you can already give yourself a high five and a Bravo, and here are a dozen suggestions to help keep you relevant and highly regarded, for as long as you wish to stay in this career.

1. Words are chosen carefully. Practice using the words that get results. Make a list of them. Turn them into a song or rhyme, and add to them over time. Discard those that have unintended consequences. Try posting a “word of the day” somewhere in your meeting space, or even a phrase. Examples might include “life is not a dress rehearsal”, “choose”, “motivate”, “create”, “understand”, “believe”, “invent”, “encourage”, “look forward – the windshield is so much larger than the rear view mirror!”
2. Body language. This is so much more than how you use your hands and facial expressions. Your entire demeanor sets the stage for your performance. Are you prepared to sit for two hours or more? Are you mentally and physically fit? Have you provided everyone with water and tissues, and good lighting? Establish yourself as a Professional – well groomed, prepared and polished, and taking yourself very seriously. Eliminate clutter and distractions.
3. Room set up. Be mindful of how important you are in creating positive outcomes – while you do not want to dominate the conversation, your place in the room establishes your keystone role, your awareness of safety dynamics, your attention to power imbalances, your professionalism.
4. Co-mediate. We learn by doing, and learn so much more by doing mediation together. Clients benefit as well, seeing how people can work cooperatively, taking turns speaking, making respectful suggestions.
5. Spend time with children of all ages and stages of life, all abilities, all interests. At some point, a child with similar characteristics will be the subject of your family mediation, and this will better enable you to see the world through their eyes. The term “best interests of the child” was first coined in our work in 1990 pursuant to the work of the United Nations Convention on the Rights of Children, and we continue to seek workable arrangements for children through this lens. While this term has become embedded in policy and procedure and law in some jurisdictions, others feel it is often now reduced to a euphemism, hiding an agenda that would have judges

know children, better than their parents know them. One advantage of mediation is that parents are encouraged to think about and to reveal what is their own personal view as to what is best for the children that they know and love. While they may not initially agree, parents most often can arrive at a plan that is truly best for their kids, that is unique to their family, and that is workable. There is no one-size-fits-all parenting plan. Encourage parents to see this, and ask them to be creative. Mix it up! Use trial periods to see how things evolve. Always leave the door open for revision, modification and review. Children change, and after a family reorganization period, so do parents.

6. Be creative. While we operate within traditions of law, established child support parameters, and case decisions, mediation serves as an opportunity for parents to work with you to manage their conflict, demonstrate for their children that where people do not agree, they can still get along, and demonstrate to others that mediation keeps them in control of outcomes, rather than having a judge who does not know their children or their circumstances tell them what to do.
7. Formally debrief with a colleague. Take time to analyze what went well, what you could have done differently, what you will try next time, and get feedback from your colleague. Make time to do the same for others in your field, in person if possible, but Skype and phone calls also can be beneficial. This is part of being mindful, completely present with your clients, engaged fully, and self-aware. This will make you better at what you are doing, and more likely to mediate dangerously (Kenneth Cloke).
8. Mentor. Make time to bring new mediators into the field. Be a role model. This also will help keep you at the leading edge.
9. Write papers, articles, columns, entries for peer reviewed journals. Reading is also productive, but please, write about your experiences and insights. We can learn from one another.
10. Explore. Try working in a different country or a different jurisdiction. Analyze legislation and how it was developed in those places. Start a new mediation program, in a high school or college, in a neighborhood or through a community organization. Seek out challenges.
11. Expand your horizons – mediate largely. This is more than exploring, this is doing mediation in a variety of scenarios, such as elder mediation, child protection (dependency mediation), comprehensive (financial mediation), families such as blended, adoptive, reconstituted, same sex parents, cross generational (family farm succession plans), cultural, ethnic, religious, high schools in inner cities. This will require volunteer hours on your part, however, what you gain is so much more than what you can give.
12. Grow your toolbox. So much conflict out there – so many opportunities to mediate!

Courting Conflict

Lawyers just out of school used to talk about chasing ambulances as a way to establish clientele. Mediators have, for decades, waited for referrals; from Courts, through government programs, word-of-mouth referrals from previous clients. I believe it is time for mediators to start “looking for trouble”, i.e., seeking out opportunities to demonstrate that mediation is a viable and preferable mode of dealing with conflict. We must advocate for ourselves and one another in this capacity.