

Kluwer Mediation Blog

Mediator Fatigue

Geoff Sharp (Brick Court Chambers / Clifton Chambers) · Thursday, January 3rd, 2013



Down here in New Zealand it's high summer and most of the country will spend until the end of January at the beach.

I remember, when I was still at my law firm 10 years ago, the feeling of brief respite at this time of year before having to put on my boots again and trudge back up that mountain they called Budget.

That image has long disappeared for me, but ever since Rick Weiler was brave enough to [reflect on his three failed mediations](#) and Jeff Krivis was prepared to [post on the death of mediation in California](#), I have been circling this piece on mediator fatigue knowing that these kinds of topics are risky demons to raise.

But as we start a new year, the time feels right.

It's not as if the mediation community does not talk to itself about mediator fatigue or mediator burnout – speak to most busy practitioners at the coalface and they will mention the impact of sitting in the middle of people in conflict day after day.

Some of the best pieces that have been written on the subject are included in two chapters of Texan mediator, Eric Galton's *Ripples from Peace Lake* – a sensitive wee book of essays written by a seasoned mediator specifically for other mediators that has a prominent place in my bookshelf.

[You can read Eric's book free online here](#) – or better still download it for \$3.99 – be sure to read chapters 'On Loneliness' (p. 128) and 'On Staying Well and Avoiding Burnout' (p.163).

On loneliness;

“So the next time your mediation ends, everyone leaves at 1 a.m. and that lonely feeling creeps under your skin, remember this essay and know you are not alone. Thousands of your colleagues understand what you are feeling. And, if you listen carefully and listen very, very hard, we are cheering wildly about that play you made

in extra innings that made resolution possible...

On fatigue;

“Unbelievably, the passion which came so quickly may be lost if a mediator does not develop a more mature relationship with the process. Lawyers often report to me that a mediator in another city is burned out, does not seem to care, or has lost their tenacity... Mediators must bring their ‘A game’ every day. A mediator may never be thinking privately ‘How am I going to get through this one today?’ And, it’s only Wednesday...”

“Another problem, and it is certainly ironic, is that mediators give so much to strangers that they find they may not give as much to those they love and those who depend on them...”

I remember some years ago watching a very dear colleague struggling with their mediation practice and [posting this](#);

Today I'm sad.

A good friend and talented colleague is out.

Too many people in his face.

Too much conflict.

He says he's faking it, he doesn't really care anymore and 'they just gotta move on and half of them need to get a life...'

He's lonely in his work and angry at people he doesn't even know.

I saw sleepwalkers in my law practice, now here.

Other resources include [a podcast by Dr Pat Marshall](#) describing what causes mediator stress, how mediators cope, and what attributes stand a mediator in good stead when the going gets tough (the sound is a bit iffy) and a piece by Judge Wayne Brazil on *Spiritual Fatigue In Mediation*. You might also like to read [this post over at Pronoia Mediation](#) that includes an online [Compassion Fatigue Self-Test](#).

Two final pieces of wisdom if I may;

1. As Jeff Krivis says, don't take our cases for granted – and I'd go further;
 - > if you have the sort of practice that sees you mediating 4 or 5 days a week, DO LESS
 - > then try treating every mediation as individually gift wrapped
 - > and kiss the ground when it comes into the office (really, kiss the carpet), and
 - > don't even think about tomorrow's mediation until this one is done – do this by treating it as the last mediation you will ever do
 - > by doing all that, your mediator jet fuel should return – your curiosity and your authenticity. Remember the time when you couldn't wait to understand what makes

THIS mediation tick?

2. Follow the Five Ways to Wellbeing – **Connect, Give, Take Notice, Keep Learning, Be Active**



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