

# Kluwer Mediation Blog

## “Like Herding Cats” – Who Would be a Mediator?

Sabine Walsh (Sabine Walsh Mediation) · Tuesday, February 10th, 2015

“Crikey it’s like herding cats!” a student said to me recently during a multi-party mediation role-play. It struck me as a fairly accurate description of mediation alright; the parties, the other stakeholders, the multitude of issues, apparent and covert, the emotions and the changes in pace and direction. And that is only in the mediation room itself. Outside that one has the lack of, or inconsistencies in, regulation of the profession, the difficulty in getting regular (and paid!) work, and the endless explanation of what we actually do and that, no, it is not meditation. Why on earth would anyone want to become a mediator?

My teutonic roots would generally not warm to chaos and unpredictability, confusion and paradoxes. Take the following example of a recent mediation: (leaving out some salient details in order to protect the innocent) Having been in correspondence with the legal representatives of both parties, I thought I knew who would be attending the mediation. Not so. One side turned up with two relatives to support them, a solicitor and a barrister, the other side without their three counterparts, all of whom were required for decision making purposes, and only a solicitor. After assurances that all the relevant decision-makers and advisers could be contacted by phone, I proposed a joint opening session, which was refused on the basis that shouting might ensue. I adapted and began, and continued the mediation in separate sessions. This served to keep stress levels to a manageable level for the parties but not for myself, particularly when realising that the issues were complex enough to drag initial sessions to nigh on two hours, a long time to keep the other parties waiting. Frequent sorties to reassure the other parties were required as was a lot of coffee.

What, on the surface, appeared to be the issues were not, of course, really the issues. The business decisions that had been made which were in dispute would prove to be much easier to resolve than the hurt feelings and wounded pride would be. The mediation terminated, unresolved, with everyone exhausted, late that evening. So why throw oneself into that chaos (and have to spend weeks on end chasing the fees to do so to boot...?)

Perhaps because it is nice when it does work? Because of the sense that one is “helping” people and saving them the cost, delays and angst associated with legal proceedings? Because of all the inspiring people working in this area to whom one can listen at conferences for hours and hours, such as Ken Cloke, Michael Lang, Lisa Parkinson and many many more?

Or is it precisely that unpredictability and chaos that, German genes notwithstanding, make it so rewarding, so interesting and yes, at times, so much fun. There is a great energy that comes with

seeing what you thought were completely entrenched positions evolving into new perspectives and, if not quite understanding, at least a grudging acceptance that there is another point of view. A client recently commented, on leaving a (successful) mediation, that it was a mystery to her how a dispute of 12 years standing had been resolved in one day's mediation. Even after reflecting on that day's work, I would not have been able to enlighten her in any concrete way. It just worked.

The dynamic of instances where you can suddenly see that you are heading in the right direction, that things are lining up for agreement, or even if not agreement, a change in a conflict that might, in the future, lead to settlement, are infinitely more effective than coffee at keeping the engagement, optimism and energy flowing, which can often transfer to the clients. I've mentioned in previous blog, I think, that patience and tenacity are key mediator skills. These pay off in spades when, as happened to me some months ago, you see your clients, with whom you've been working on mediating the terms of their divorce over many weeks, sign the agreement and go off to celebrate together over lunch. I should mention that these same clients stretched my resources on managing anger in the mediation room to the limit, and yet they came out the other side for the better.

It isn't just the good days though that make it all worthwhile. Mediation is fascinating, more so because one is working with people who even by themselves are endlessly interesting, but become even more so when in conflict. Yes, really. We are at our most human, and often most real, when we are in conflict, particularly conflict that runs to the heart of our lives, with a spouse, a family member, a workmate. One can learn an awful lot about people, and about oneself in this space. It is a humbling privilege to accompany people on their journey through conflict which can take them to some very dark places. I have used many boxes of tissues and, on more than one occasion, my suicide intervention training in mediation, but also shared some great laughs and stories with clients.

It is this rollercoaster of highs and lows, the unexpected insights, the stories, and the fact that no two days are ever the same that is why we do it. That, and the fact that it works of course. So to anyone who might be contemplating a foray into the world of mediation, I would use the words of the great poet Rumi and say :

*Live at the empty heart of paradox. I'll dance there with you, cheek to cheek...*

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