

Kluwer Mediation Blog

What Mediation and Marathon Running Have in Common

Sabine Walsh (Sabine Walsh Mediation) · Friday, August 7th, 2015



I like mediating. I also like running marathons. What this says about my sanity is a question for another day, but the more I do both the more similarities I identify between the two disciplines. A recent week of particularly arduous mediation brought these similarities to mind more than usual. Preparation, of course, is the key. Neither a marathon nor a mediation can be embarked upon without adequate training, a few good nights sleep in the bag and the right equipment, be that a hat to keep off the rain (this is Ireland after all) or a sturdy flipchart.

At the start line, the path ahead is unknown, particularly if running in an unfamiliar city or country. There is no certainty that you will reach the finish line, despite the best of training. Injuries, digestive issues, and uncooperative weather can de-rail a marathon the same way unexpected information, emotional issues and uncooperative lawyers can de-rail a mediation. Both disciplines require patience, tenacity, self-belief and an above-average capacity for optimism.

One of last week's mediations featured complex, and highly emotive financial

circumstances. The early stages of the session required careful pacing, as speeding ahead through the layers of information, well understood by one party but a foreign language to the other, would have risked losing the latter party and compromising his willingness to continue. The hours that followed crawled by as we wound our way in and out of the financial and emotional issues and tried to disentangle the two. It was tiring and confusing for the parties and we all could easily have given up but little by little the issues became clearer and the momentum towards agreement grew. As we all crossed that finish line I felt like the runner but also, for the parties, like the spectator you meet at mile 25 holding up a sign saying “you are beating all the people behind you!” or the coach that runs alongside his exhausted athletes to get them over the line.

All marathon runners will be aware of the dreaded wall, the point at which your body just wants to stop and it takes all your physical and mental strength to keep putting one foot in front of the other. All mediators will also be familiar with this wall, the point at which it seems like no matter what you do, the parties are at an impasse and any forward movement seems impossible. At both walls, the easiest, and the most tempting thing to do is to give up; to lie down and call your husband to come get you, or to walk out and call the parties lawyers (or your own!). In running, hitting the wall is usually caused by running out of fuel. In mediation, it can be caused by running out of ideas, techniques or questions. Last week’s wall took the form of a deadlock on choice of schooling for a child. The choice was to be made on religious grounds. One parent wanted the child to go to a Catholic school, the other wanted the child to go to the Protestant one. (In Ireland the vast majority of school are under the patronage of one or other church) For obvious reasons, a middle ground was hard to identify. We were stuck. No amount of re-framing concerns and interest-focused questions helped as the impasse was one based on a clash of values, and as mediators we know that value conflicts can be among the most difficult to resolve as they run so deep.

What did we do? Like all good marathon runners we slowed the pace, took on some fuel (coffee and biscuits) and went back to first principles. We identified where the differences lay and what the implications of not agreeing were. We looked at what else might be needed in order to reach an agreement. In this case that turned out to be information, the fuel every mediation needs to keep going. Rather than focus on the religious aspects, we re-directed our attention at the other factors which might influence the choice of school. We re-evaluated the goal, which was to ensure the child had a good and appropriate education that both parents could be involved in. After a while, the wall did not seem as high any more. New information on how both religions could be accommodated within one school re-energised the parties and after another few miles of negotiation, an agreement was reached.

The final analogy I need to draw between these two disciplines is based on the agreement. The sense of achievement, relief and a job well done at the end of an arduous mediation is only matched by the feeling of crossing the finish line after 26.2 miles. You question yourself many times along the route as to why you are doing this and think there must be an easier way, but the feeling that comes with sitting down to a post-marathon pint and chips, or the feeling of seeing the extended, until now estranged family you were working with having a drink together is hard to match. Of course it doesn’t always work out. There are marathons where you keel over at mile 9, and mediations where the parties walk out in the first hour, but they serve to remind you that both need you to be well trained and practised and both require hard work.

Both, are also immensely rewarding learning experiences and no two are ever the same. Personally, my running helps my mediation, by giving me time to reflect and evaluate, and teaching me to keep going when things get tough. Both have dramatically increased my capacity for tolerating discomfort, or the physical and emotional variety, though fortunately the latter - usually - belong to my clients in mediation.

And there the similarity ends...fortunately, because if mediating had the same effect on how I walk the day after as marathoning I would have to consider changing career...

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The image shows a promotional graphic for Kluwer Arbitration Practice Plus. On the right, there is a blue background with a white checkmark icon and the text "Explore Practice Plus". Below this, a screenshot of the software interface is displayed. The interface shows a profile for "Gary B. Burt" with a photo, name, and contact information. It also features several circular charts and data visualizations, including a "Relationship Indicator" section. At the bottom of the graphic, there is a dark blue bar with the text "Kluwer Arbitration" on the left and the "Wolters Kluwer" logo on the right.

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