

Kluwer Mediation Blog

Dynamos, Cruisers and Losers

Geoff Sharp (Brick Court Chambers / Clifton Chambers) · Friday, August 1st, 2014

$$\frac{\text{Profits}}{\text{Officers}} = \frac{\text{Profits}}{\text{Fees}} \times \frac{\text{Fees}}{\text{Hours}} \times \frac{\text{Hours}}{\text{People}} \times \frac{\text{People}}{\text{Officers}}$$

$$= \text{MARGIN} \times \text{RATE} \times \text{UTILIZATION} \times \text{LEVERAGE}$$

Before I left my law firm in the late 1990's David Maister, a Boston management guru of whom many of you will know, was the darling of every large service firm, especially in the law and accountancy fields.

He has long since retired but at his height he was good, very good – despite being a former Harvard Business School professor, he had a practical wisdom that could cut through the management gobbledygook I was struggling with at my firm's monthly management meetings at the time.

But it was the way he brutally labelled the three types of professionals, that he said inhabited service firms globally, that really caught my attention.

At any given stage in one's professional life, Maister opined, one's performance could be that of a *dynamo*, a *cruiser* or a *loser* – and the obvious and confronting question was always; which am I?

I remember him saying, *dynamos are always midcareer and on their way to somewhere* and at the other extreme *losers were not meeting the basic standards of quality, client service and hard work*.

The *cruiser*, on the other hand, was likely to be fully competent and show up every day to make sausages – sure, they might be high-quality sausages but in the end that's all they make, sausages – and, unlike the dynamo, they are not on the way to somewhere. I took that to be a “job, not a career” kind of thing.

Most mediators I meet are not losers – although in many unregulated jurisdictions, there is no doubt there are those who do not meet the basic standards of our profession yet still call themselves mediators.

In fact, most mediators I meet would say they are certainly not in a job or even have a career – they are far more likely to view what they do as a ‘calling’ and on the basis of that would put themselves squarely in the classroom reserved for dynamos.

But I wonder – how many mediators, no matter how passionate they are, actually belong in the dynamo class?

Many of us may make great sausages but in the end, we are turning out only sausages – in which case we are one of Maister’s merry band of cruisers.

So, if it matters to you, how can you workout where you fit?

How can we tell if we are a dynamo going to somewhere or, at some point, stopped our journey and are now turning out sausages, *even if* they are really great sausages?

Well, Maister proffered a complicated looking equation involving different degrees of margin, rate, utilisation and leverage as one answer but I never understood how to apply it to mediation practice. The thrust, I think, was if the market allows you to increase your mediation rate, you must be making more than sausages. Yes, I know, some will take huge exception to this.

Nevertheless, I understand that when I say I made more money this year than last year because I worked harder/did more mediations, that is not evidence of being a dynamo – in fact, Maister calls me a donkey – “achieving more by pulling a heavier load “.

This financial thinking may have limited application to mediation practice, but I suspect it has more relevance than many of us are comfortable with. [CEDR’s Sixth Mediation Audit 2014](#) shows just how large the spread is that exists between UK mediators’ day rates.

Those at the top end of this spread are, of course, technically proficient – but Maister says this is rarely enough to be a dynamo. What sets these dynamos apart is that they have somehow persuaded the market that they are closer to the frontier of their discipline than the competition. What’s the bet that dynamos like Bill Marsh, who this week topped the [Who’s Who 2014 Global List of Commercial Mediators](#) is the guy who is thinking beyond sausages, beyond three mediations a week, to the next big bang mediation theory.

But rather than comparing financials, perhaps of more value to those of us wanting to check our status in Maister’s hierarchy are his questions around how our mediation careers are moving forward – as you think of your own *somewhere*, ponder these;

In what way are you personally more valuable to the marketplace than last year?
What are your plans for making yourself more valuable to the marketplace than in the past?
What specific new skills do you plan to acquire or enhance in the next year?
What’s your personal strategic plan for your career over, say, the next three years?
What can you do to make yourself (even more) special to the marketplace in the near future?
What, precisely, is it that you want to be famous for in the world of mediation?


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