

Kluwer Mediation Blog

Making Mediation Sexy?!

Sabine Walsh (Sabine Walsh Mediation) · Wednesday, October 5th, 2016

It's that time of year again! Mediation Awareness Week is about to kick off in Ireland, the UK and many other countries around the world. An enormous range of activities are being held to draw the attention of members of the public to mediation and its potential for resolving disputes. In Ireland alone these include the launch of new research in the field, public speeches by members of the judiciary, service providers open days, a young mediators' competition and many more, not to mention increased media coverage. The UK's schedule includes mock mediations, lectures, webinars and other events. The aim of all of these events is to raise awareness of mediation. Will it work?

To raise awareness of something, we need to make it interesting, to make it "sexy", if you like. These days, with our busy lives and constant stream(s) of information, people do not take much notice of things that aren't interesting, that don't have some sort of a "hook" to attract attention. So all those involved in organising events for Mediation Awareness Week are endeavouring to make mediation interesting for potential users, and for gatekeepers such as lawyers and advisers of other kinds. So how can this best be achieved? Mediation is not a term associated with something exciting or different. Often misspelled as and confused with meditation, people's ears don't generally prick when hearing the term. As mediators, we know that mediation can be exciting, and transformative, and ground breaking, but through what medium is that best communicated?

At the Mediators' Institute of Ireland (MII), we are regularly asked by print and TV media can we provide "real life stories" about mediation, preferably accounts from the parties themselves. This, we are told, is what the public are interested in hearing about. People, so we're told, would like to see a mediation "in action." Confidentiality usually prevents such stories from being presented to the public. The BBC however recently took the bold step of showing real mediation on TV. In its three-part series *Mr. v Mrs. – Call the Mediator*, which was screened over the summer, a number of couples were filmed going through family mediation. The programme got mixed reviews, both from critics and mediators themselves. Some critics felt that the drama and conflict was overemphasised in the editing process to the detriment of mediation skills. And still, my 11 year old son watched the series and said, "well Mum, don't think I'll be following in your footsteps, your job is far too boring, I'll stick with football..." Mediation clearly isn't a spectator sport...

Nonetheless, parties considering mediation or wishing to know more about it got an insight that may not otherwise have been available. The mock mediations scheduled to form part of the UK programme should also provide this. They may demystify the process for potential users and gatekeepers, though whether they will make mediation sexy will likely depend on the acting skills of those involved..

The talks and lectures planned on both sides of the Irish Sea will also need to be carefully considered and themed to attract not just mediators but those new to the process. As with all awareness raising endeavours it is easy to attract those already convinced of the value of a thing, more difficult to entice sceptics. Three events scheduled in Ireland are worth pointing to in this regard. On Monday, the result of a piece of original research in the mediation field, commissioned by the MII and carried out under the auspices of the Edward M Kennedy Institute for Conflict Intervention at the National University Maynooth will be launched. The report is focused on workplace mediation and makes concrete recommendations in relation to training, standards and practice for workplace mediation and identifies areas for further research. Not only is the report interesting and hugely valuable, but the energy and enthusiasm of those involved in preparing it is enough to inspire any mediation-sceptic to read it.

On Tuesday three Irish judges will be giving their perspective on mediation from the bench, in a series of public addresses which, in an unprecedented step, the judges have agreed to being recorded and disseminated. The endorsement of mediation as a dispute resolution alternative by senior, arguably public figures in the Irish dispute resolution system carries enormous weight in terms of efforts to move the perception of mediation as an “alternative” or a soft option to a robust, integrated option for resolving conflict.

Finally, a little after the end of the week, a Young Mediators’ Competition will be hosted by the Law Society of Ireland. Some people still laugh at the idea of mediation competitions but they are thriving in Europe and further afield. Here, students of law and other disciplines will get the opportunity to mediate a dispute and those with the broadest range and most effective application of mediation skills will win. The value of this lies not just in the fact that those participating are all likely to be giving by-the-minute updates to the world on social media, but in that the lawyers, advisers, and professionals of the future will come into their fields with an integrated understanding and acceptance of and, all going well, enthusiasm for mediation. By engaging with mediation at this stage of their careers, and in such an enjoyable way, the lawyers of the future will no longer view mediation as something they should recommend, or might suggest, but a process that they will engage and participate in in the best interests of their clients.

The range of events planned here and in other countries, all undertaken on a voluntary basis, please note, is broad enough to reach a wide audience of potential users and professionals. Will it make mediation sexy? Unlikely. If you are looking for sexy conflict resolution stick to Game of Thrones. But will it make mediation accessible, interesting and worth considering? I certainly think so.

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