

THE POWER OF MEDIATION: LESSONS LEARNED FROM THE TRENCHES

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Mediation is a powerful and efficient way to resolve conflict by having honest and open communication.

When I finish mediating a dispute I always reflect on how different and satisfying each process can be. I compare it to being confronted with a seemingly impossible crossword puzzle. At first glance the clues just don't resonate but somehow, after chipping away methodically and with focus, one seems to find a way to fill in the squares.

Likewise, it never ceases to amaze me how an impossibly difficult and intractable dispute can be resolved with patience and perseverance.

Last week I was able to assist the parties to an Asset Purchase Agreement settle their dispute and avoid the expense and aggravation of litigation. The process took over 12 hours and was fraught along the way with rancor, accusations and mutual distrust.

My role as mediator was multi-faceted: I was the "devil's advocate." I was the wise old trial lawyer who had learned lessons the hard way. I was the messenger delivering both good and bad news. I was a patient listener and occasional "punching bag."

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Above all, my goal was to help these two parties find common ground by acknowledging each of their positions and continually injecting the process with good old "common sense"! I simply refused to allow the adversaries to give up. Each side had to give a little too. And, when it was all over, we all felt a strong sense of relief and gratitude. Both lawyers were satisfied and commended my perseverance. That's what makes me deeply happy and "pumps me up" to take on the next mediation challenge.

There are some lessons that can be learned from this instance that may help you in your next mediation experience:

Lesson #1: View Your Mediation as a Puzzle

Lesson #2: Be Patient

Lesson #3: You're going to Play Multiple Roles: The Wise Lawyer, Devil's Advocate and the "Punching Bag."

Lesson #4: Use Common Sense

Lesson #5: Don't Give Up

If you're interested in learning if mediation is the appropriate method of dispute resolution for your case, read my previous blog in this series, "[The Power of Mediation: The Path to Healthy Resolution.](#)"

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