



ADR Institute of Ontario

ADR UPDATE

“The Future of ADR is EDR”

President's Message, pg. 4

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MEDIATORS FOCUS ON EVERYONE...EXCEPT THEMSELVES!

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Should mediators think about their own comfort participating in the process?

Many mediators go out of their way to ensure that their clients are comfortable. Consideration is often given to seating and set-up, the temperature of the meeting space and the availability of snacks - especially if the mediation is expected to be lengthy or take place over traditional mealtime. Thoughtful mediators recognize that the comfort level of participants can influence their ability to make the most out of the mediation opportunity.

While thinking of others is a trait that many successful mediators share, reflection upon my experiences and those of colleagues has led me to wonder if mediators do enough to consider their own comfort in facilitating the process.

Dress for Success

In the Fall 2016 issue of this publication, I contributed an article titled *The Mediator's New Clothes*¹. In it, I suggested that mediators should dress for their clients rather than themselves, i.e., mediators should think about how their choice of attire can impact participant perceptions and go with what would likely offer the greatest comfort to those taking part in mediation, e.g., the formality of a suit can help establish the right tone in some instances but may not always put people at ease. There is no reason why a mediator's wardrobe cannot be as flexible as the mediation process itself.

Usually, I wear loud shoes when I mediate. The idea being that the sound of my steps offers warning that I am approaching a caucus room, thereby reducing the potential of me overhearing something not intended to be shared.



While this approach has worked quite well at times, it is not helpful on every occasion, e.g., a facility with carpeted floors may silence my footsteps.

When there is distance between meeting rooms, loud shoes may not be comfortable. While facilitating shuttle diplomacy can be helpful, success at mediation need not come at the cost of blisters for the mediator!

You Are What You Eat

Chartered Mediator and Former ADRIO Board Member Mitchell Rose wrote a popular 2015 article titled *The Very Hungry Mediator*². In it, he spoke of the lack of opportunity mediators often have to eat when facilitating the process. We do not always have time to munch and are often too focused on helping address the dispute to even think to do so. Rose highlighted the negative health consequences this risk.

Similar consideration can be given to the importance of hydration. Many mediators ensure that water is available to their participants, nonetheless struggle to find occasion to drink it themselves. Particularly in

¹ adr-ontario.ca/wp-content/uploads/2017/03/ADRUpdate_Fall2016.pdf#page=6

² <http://www.sgrllp.com/hungry-mediator/>

the summer months, it may be important for mediators to find opportunities to stay hydrated, especially as it is the mediator who is typically the most physically active participant in mediation. The extent to which a mediator is starved or parched may also risk affecting their decision making.

When Nature Calls

It is also worth considering the other end of the spectrum in terms of hydration and the consequences of a mediator consuming too much liquid during their participation in the process.

What follows is a true story...

Many years ago, I took part in a community mediation program that used a co-mediation model. One memorable case had me involved in a lengthy mediation that was going nowhere. Hours passed with little progress until a tiny concession started the ball of momentum rolling. It seemed everyone started to feel that there was a chance of settlement! That is, until my co-mediator had to pause the mediation to make use of the facilities. Unfortunately, this killed the momentum that was built and we were not able to get back to where we were before the bathroom break was called.

This last consideration may not seem as easy to address in advance as clothing, food and drink, yet can still be taken into account as part of a mediator's preparation. I always factor a bathroom visit into my time of arrival at the mediation venue.

While I may have conjured up images of a mediator appearing to be ready to run a marathon with comfortable shoes, a track suit, hydration belt, etc., my point is that we give so much consideration and accommodation to those participating in our process and ought to pay more attention to ourselves. Doing so appropriately need not come at the expense of others.

I have developed my own "Mediator's Survival Kit" to have on hand at my mediations. This is what mine looks like, though you are welcome to customize yours to suit your tastes...

Marc Bhalla's Mediation Survival Kit

- Granola bites (small clusters of granola that can be easily consumed travelling between meeting rooms)
- Water bottle
- Facial tissue (pocket size)
- First aid kit
- Power bank and USB cable
- Stain removal pen

I keep these items in a small travel pouch and access them as needed, typically when travelling between meeting rooms or during breaks.

Note: Additional items such as a change of shoes, a sweater and umbrella may also be considered on a case-by-case basis, dependent upon the mediation environment and weather forecast.

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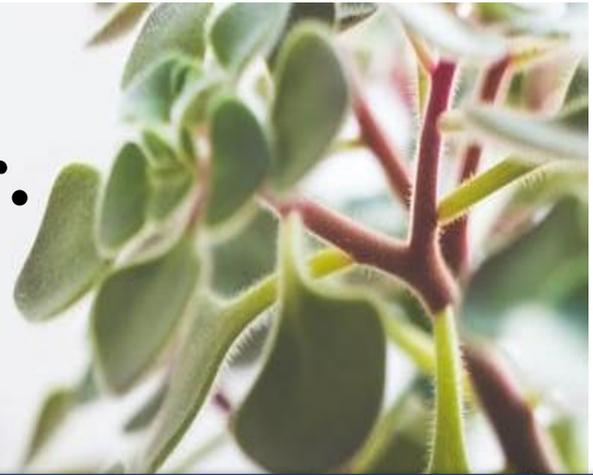
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