

[Mediation Training: A View From the Other Side of the Table](#)



I have discussed my [experiences with mediation](#) and [other thoughts](#) on this alternative dispute resolution (ADR) process on several occasions here at Construction Law Musings. I've also shared the views of some of the other great folks and mediators that have been kind enough to [guest post](#) here, including [Victoria Pynchon](#) (@vpynchon) and [Ron White](#) (@mediatoronwhite).

All of the personal views on the process have, by necessity, been from the perspective of an attorney, counselor and advocate for a particular client (in most cases a construction professional or company). Recently, this perspective shifted somewhat. Last week, I spent three eye opening days in an introductory mediation training course that is the first step toward becoming a certified mediator in the Commonwealth of Virginia. I spent the time learning about various sources of conflict, about how to move people from positions so they can talk about their interests, and most importantly, in role playing scenarios during which I was able to play the roles of both parties to mediation and a mediator.

The situations encompassed everything from a homeowner/remodeling contractor dispute (a *really* hard one for me to let run its course) to a dispute between neighbors involving loose dogs and crazy kids. By taking the role of the mediator in particular, I had to take off my advocate hat and force myself to let the parties work to a solution despite my desire to jump across the table and shake them until reason, and what I thought was the proper legal solution, prevailed. I found it difficult to sit there and just listen before doing something I am far from used to outside of a client counseling role, namely remove (instead of add) the types of loaded words that all lawyers use in advocacy and to replace them with more neutral words when clarifying the parties interests.

By the end of a couple of the role plays my brain hurt because of the use of mental muscles that I hadn't used out in the open. By trying (sometimes successfully, sometimes less so) to remove my past experience as an attorney in mediation and as a litigator in order to guide the parties to a decision with which they could live and that they came to on their own, I learned how hard it is sometimes to let the process work. I gained a better understanding and appreciation for good mediators who can take two parties that have been at each other's throats for nearly a year and bring them to a solution.

This experience can only help me to properly represent and counsel my clients regarding the mediation process. This view from the other side of the table (in this case through the mediator's eyes instead of [the opponents](#)), gave me insight into the process that I can use down the road.

Now I am even more convinced than ever that mediation is a great solution in most cases and that I would like to get more involved in the process. I will keep all of my readers updated on my thoughts as I continue through the steps toward certification.

UPDATE: Thanks to Vickie Pynchon for her [continued support](#).

Please check out my [Construction Law Musings Blog](#) for more on Virginia construction law and other topics.