The Edge: Five mediation secrets can change life

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I’ve been a lawyer for almost 30 years and a mediator since 1990. I’ve learned how to help resolve people’s problems, getting them not only what they say they want, but what they really want and aren’t telling me.

I have five secrets that have changed my life and those of the people I work and play with.

I’ll let you in on these secrets. Use them wisely. They are powerful tools.

• Listen. I mean really listen. Shut off your phone, turn away from your computer, make the outside world go away. Focus entirely on what your boss, friend, child or romantic partner is saying. Actively listen. Answer back with phrases like, “I’m sorry this happened to you.” “So what you’re saying is …” “What are three things you wish could happen to make this better?”

• Explore options. Everyone has problems — they are a party in a lawsuit, they need a lifesaver to help their business, they have a dispute with another person. Those problems can blind people to possible solutions. I like to throw potential answers onto the table for them to examine —
solutions they may not have thought of. Get an objective friend to help explore solutions. Sometimes, a new way of doing something, an apology, a chance to start over, is the answer that both sides want but may have been too proud or hurt to ask for.

• Best/worst case scenario. I ask my clients to imagine the best possible day they can have in court and the worst day they can imagine before a judge or a jury. Then, I ask them to imagine the best possible settlement they can achieve if they work with the other side in their lawsuit. Often, a settlement can match the best day in court — for both parties.

In a job interview, or when selling a new way of doing something at your present job, throw yourself out there as the best solution to the problem. With squabbling children, your partner or friends, imagine life with that person, but a happier life, and list ways to make that happen.

• Reframe. I call this secret: “Don’t take what they are giving you.” A lawsuit, a job loss, a lover who jilts you. These are not problems, but are opportunities to fix something that is broken. Resolve the issue of the lawsuit, get a better job or find another partner so cool that even Brad and Angelina would be jealous of the two of you.

• Move On. At the end of each mediation, mediators write up the settlement agreement, and the case is over. No more lawsuit. The parties have resolved their problem and go on with their lives. The key is to never look back. Remember playing Monopoly? Once the problem is resolved, think of this as your get out of jail free card, your chance to get $200 (or whatever the settlement was, or get the job or relationship of your dreams) and pass Go and start all over — but better.

And the amazing thing about these secrets is that they only work if you are totally committed to them. Use them as if they can change your life — and they will.

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