

A Mediator's Pitch

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John Sturrock (Core Solutions Group)

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"Doubt is not a pleasant condition but certainty is an absurd one." These words of Voltaire are as apt today as they were when he wrote them in the 18th century. I don't know about you but this year seems to be a curious mixture where some people purport to deal in apparent certainties, which often seem to an outsider to be rather absurd, while others of us are almost overwhelmed by the seemingly unpleasant uncertainties not just about the future but as regards the present. And of course, with automation, uncertainty about the future is something facing the legal profession more than many others.

As I write this, I have been reading the brilliant **Michael Lewis** book, "**The Undoing Project**", narrating the remarkable partnership between Daniel Kahneman (Nobel-winning author of *Thinking, Fast and Slow*) and his fellow Israeli intellectual collaborator, Amos Tversky. Their work on psychology, and the human mind's systematic errors when making judgements and decisions in uncertain situations, was and remains revolutionary. I am more convinced than ever that we should all be taught this stuff. We need to understand how our minds really work if we are to continue to survive and indeed thrive in the automated world.

With all this to the fore, I was delighted to pick up again an excellent short book by **Daniel Priestley**, entitled "**Become a Key Person of Influence**". Before we are misled by the title, Priestley's purpose is to identify how to survive and thrive with real hope and passion in the years to come. As Scottish Olympic swimmer Caitlin McClatchey put it, in her recent excellent Core seminar on achieving high performance under pressure, there are things we can control and things we can't. Let's deal with the controllables.

For Priestley, the key as we look ahead in an uncertain world is for us each to

identify and communicate our micro-niche, our particular speciality. What is it that we do specifically for others? What specific need, problem or frustration are we seeking to address for a specific group? Not as a functionary but as a “vital person”, with something of real value to offer other people who will be our clients. What is unique about us, about our story, about our ideas and our brand? It’s not about process but outcome. Not just competence but passion for the difference we can make. How many of us can say we offer to serve others with a joyfulness that means that work is exciting?

Priestley suggests that we need to be clear and precise about our flagship idea, and be able to pitch it in a way which is persuasive and makes people want to work with us.

That got me thinking. For sixteen years, I have been engaged in the promotion of “mediation”, as a concept unfamiliar to many, along with a business providing “mediation services” and, however unpalatable, myself as a “mediator”, starting from scratch in 2001. But what has that achieved? Have I been selling means rather than ends? What I do, rather than the value I might add? How does that play with an audience? And at dinner parties? “That must be interesting” is a familiar social response but it really only comes alive with vivid stories and demonstrations of real differences made.

So, what should be my pitch? Possibly quite different, I now realise, from what I have been saying all these years. To the question: “What do you do?”, I need to respond along these lines: *“I help people to have really good conversations and try to achieve really good outcomes when they have disputes, conflicts or differences of view, without going to court. I used to be a court lawyer so I understand how frustrating that can be for everyone. I also try to help people to build better business and personal relationships and avoid the cost and time which can result from unresolved problems. People often say when I work with them: “I wish we’d had this conversation a year ago.” I call myself a mediator, facilitator, coach. I’m really just an impartial sounding board. I am passionate about this work and believe that, when we find ways to work together, we can achieve better results for people (and for those who advise other people). Indeed, I see these results nearly every day. I do this through a small business called Core.”*

It’s a start at least. A bit different perhaps. What about you? What’s your pitch to survive and thrive in the next few years? And, how do you help others to survive

and thrive? I am grateful to Anna Howard for reminding me of these words from **Marianne Williamson**: *“As we let our own light shine, we...give other people permission to do the same. As we’re liberated from our own fear, our presence automatically liberates others.”*

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