



BOOK REVIEW:

Eric R. Galton & Lela P. Love, Editors, *Stories Mediators Tell* (ABA Section of Dispute Resolution 2012)

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In Hollywood, the movie studios produce dramatic trailers to tease us into paying \$12.00 to watch a two-hour drama unfold. Stories can certainly transport us, entertain us, teach us and inspire us. In Eric Galton and Lela Love's new book, *Stories Mediators Tell*, twenty-five prominent mediators from all over the United States reveal some of the stories they have longed to tell: stories both mystical and mundane, stories in which the reader steps into the action and assists the mediator in drawing critical lessons out of the most challenging fact patterns and the most astonishing results.

According to the editors, the stories were not collected to "glorify or vilify" mediation, but to make the process accessible. For this mediator (and, full disclosure, contributing author) the stories succeed in both expanding the sense of possibility in the mediation process and publicizing hidden dangers. They kept me entertained, amused, comforted, and ultimately gratified to be part of the mediation community that calls this expanding field home.

The stories are in nine parts, based on dramatic themes such as "tragedy, revenge and reconnection" and "momentous shifts." They include stories from highly respected and well-known mediators, including academics and trainers from the law schools of Harvard, Columbia and New York University. The stories are largely based on actual mediations, loosely fictionalized to protect the confidentiality of the parties.

In "A Meeting of Strangers," Galton tells of a mediation in which four sisters mediate a wrongful death auto accident with an elderly woman who had caused a terrible collision in the local grocery store parking lot on Christmas eve, causing the death of their elderly father. While defendant's lawyers solicitously apologized, accepted liability, and explained that the defendant had been so traumatized by the event that she could not get behind the wheel of a motor vehicle, the defendant looked into the eyes of the daughters and clarified that this was not about her. She apologized; she asked for forgiveness. She apologized again and physically reached out to them. She acknowledged their grief and owned up to her fault. And then there was silence. Galton relates that "the room felt like it had moved someplace else. Where it was, no one really knew." Galton explains that the economic aspect of the mediation was the least significant part of the process from the parties' perspective. "After ten 'successful' years of mediation, I had finally learned to listen to the parties and respect what was important to them."

For lawyers, the stories mediators tell offer concrete illustrations of creative ways that the chasm between Plaintiff and Defendant can be bridged. For mediators, the stories suggest new ways to approach the puzzle of dispute resolution and achieve balance in the pressing challenges of mediating litigated cases and in the mediator's own life, challenging each of us to grow and improve. The stories offer a rare chance at self-reflective practice, which is often overlooked by those of us who are engaged in the next case as soon as the last one has been settled.

Karin Hobbs tells of transformation in an otherwise mundane boundary dispute between two small business owners in "Newcomers and Old-Timers: Lessons we Learn." Instead of pounding their chests, two men were able to reach beyond their

dispute to work together towards improving their corner of Main Street. Hobbs recounts: "I was amazed as I watched the mediation process work." Harold, old enough to be Jeremy's grandfather, claimed that he had lost business at his dry cleaning store because of Jeremy's construction on an adjacent lot. Jeremy had moved his family across country to be in Salt Lake City, but was having a very hard time getting the "locals" to use his new advertising service. When they came together at the mediator's suggestion, Jeremy candidly revealed that he couldn't afford the damages Harold was seeking, as his business was failing, he had four small children, and had space in his building that he had been unable to lease. Harold harrumphed a while and then stated that he knew a young local man who needed office space for his accounting practice. Jeremy, as a part of the damages for causing disruption to Harold's business, offered to pay for a new advertising campaign. Within an hour, the two were discussing new signage on the corner that would benefit both their businesses. In a visual image usually reserved for the movies, Hobbs says, "these two guys, newcomer and old-timer, were looking in the same direction, forming joint solutions."

In Lela Love's "The Power of an Authentic Story," the claimant broke in during a routine worker's compensation case to recount the details of how her life had been impacted by severe and disabling back injuries. The insurance adjuster, who had viewed her claim as just one of the many hundreds he was handling, suddenly and inescapably felt something as he listened to how she was unable to clean herself, zip her clothing or make lunches for her children. With renewed compassion, the adjuster finally made a connection that persuaded him to make a settlement that he felt was "the right thing to do."

Each part of *Stories* begins with a literary quotation, ranging from William Shakespeare to Albert Einstein, Henry Wadsworth Longfellow to Bob Marley. There are quotes from Margaret Mead, Voltaire and Leonard Cohen, as well as Florence Nightingale, Lao Tzu and Tao Te Ching. As in mediation itself, words of wisdom come from a range as broad as a poet to a scientist, a rock and roll star to an ancient philosopher. As mediators, we are called on at times to be all of these and none of them. The only certainty is that mediators must continually remain flexible and listen to the needs of the disputants.

As the 13th century Persian poet, jurist and theologian Rumi wrote, "Out beyond ideas of wrongdoing and rightdoing there is a field. I'll meet you there." I encourage anyone curious about that field to bring a shovel and dig into *Stories Mediators Tell*. You won't regret it.

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