



MEDIATION MECHANICS

**HOW TO BUILD A SUCCESSFUL
MEDIATION PRACTICE**



Mediating For Money



START WITH WHY

- Simon Sinik
- THE GOLDEN CIRCLE
- HOW and WHY - Limbic brain controls Feelings like trust and loyalty, Human behavior & decision making, gut decisions and does not control language
- WHAT – Neo Cortex controls Rational & Analytical Thought & Language
- WHY: Purpose, Cause, Belief
Langley vs Wright
- People don't buy what you do, they buy why you do it.
- The goal is to do business with people who believe what you believe
- The goal is to get people to believe what you believe
- What you do proves what you believe
- They will take your cause and make it their own
- Then you follow someone for yourself
- They will follow you because they want to
- Ability to inspire



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Why Do You Want To Mediate

WHAT DRIVES YOU?

To be self-employed, control the type and amount of work you do are key trends that have made mediation an increasingly popular career choice.

WILL YOU BE SUCCESSFUL

2 Levels Of Proficiency

- PERSONAL – BRAND AND PRODUCT
- BUSINESS – INFRASTRUCTURE, FINANCES, MARKETING AND HR, STRATEGIC PLANNING

Each mediation practice/mediator is uniquely defined by experience, specializations and clients served, but all mediators share the challenge of building and sustaining a thriving practice. To help both new and experienced mediators succeed, I have tried to address the common challenges of managing your practice, negotiating contracts and creating an environment for on-going work.

PERSONAL PROFICIENCY, ARE YOU READY?

- Educated
- Skilled
- Accredited
- Experienced
- Confident



GAIN EXPERIENCE FIRST

When you first leave grad school, think about working for an established group rather than trying to set up your own shop right away. By joining a group practice or taking a job in a community agency or mediation practice, you can gain experience, connect with colleagues and have a guaranteed paycheck with benefits. It can also give you an inside look at how to run a business. The experience will give you a good sense of the realities of the work world.

DEVELOP A NICHE

While at the beginning of your practice you will probably need to take any and all clients, specialty niches tend to provide the best income and make the best use of your time and energy.

Think about styles and clients you most enjoy *high conflict court referred vs amicable church referred* matters, as well as what the market needs, "You need to find something that's unique and in demand and that people are willing to pay for. It will help you stand out from other mediators."

ESTABLISH YOUR EXPERTISE

People are willing to pay if they perceive you to be an expert who can help them achieve what they value and want. Therefore, you must present yourself (i.e market and advertise yourself) as an expert who can help people find solutions to their problems.

There are many ways that you can establish yourself as an expert in your community. These include: providing free lectures, publishing articles in local papers, interviews on local radio or television, blogging, community outreach, volunteering. There may be opportunities to provide lectures at court or NGO staff meetings attended by "unofficial mediators" The opportunities are endless.



RESPECT YOUR WORTH

Some mediators may find it difficult asking money for the service they render, they just want to help people. But to be successful and meet your own financial obligations, you have to know and appreciate your value in monetary terms. Learn to be comfortable charging a fee that reflects your worth and your area's market, Remember that your hourly rate encompasses business costs including your phone system, computer, staff and other operational costs while adding value to the client's lives, this is economic trade – good stewardship. Be sure to compare your rates with those charged by other professionals.. "People [often] pay more to take their cat to the vet or the plumber than they do to see a mediator.

CONFIDENCE

- CO – MEDIATE
- BRING IN EXPERTS
- VOLUNTEER / PRO BONO WORK

PERCEIVED VALUE

People are willing to Pay for What They Value. This includes cars, clothes, homes, massages, facials, online psychics, and, of course, health. They will pay you, mediator, if they believe in the value of your services.

Value is the worth your client associates with your service. It is an indication of overall satisfaction with the level of trust, quality of service, and fairness of cost to the client. Value is experienced every moment as the service is being provided. It starts right from the moment a client walks into the office and ends with the formalising of agreements. Value is perceived in the manner in which the service is provided, how sessions followed up, and how genuinely the mediator expresses interest in or concern for the client.



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You have to place justifiable values on your services.

SELL YOURSELF

It's not enough to be a good mediator. You must market yourself. That means giving free talks in venues such as schools and community centres. Also consider meeting with people who could refer clients to you, such as physicians, allied health professionals, educators and leaders in faith communities. Finally, be sure to use technology to your advantage — for example, building a strong website that defines your practice and draws clients to it.

“In general you need to get over the idea that your competence alone will sell your practice. Ultimately it will, but not at the start.”

Proficiency Business Model

CREATE A STRONG PLAN

That includes developing a mission or value statement for your practice, a list of whom you'd want to work with if you decide to create a group practice and a business plan which deals with all aspects listed below:

- STRATEGIC PLANNING LEGITIMACY & REGISTRATION BUSINESS PLAN & MANAGEMENT RISK MANAGEMENT
- HUMAN RESOURCES
- MARKETING
- FINANCE
- CORPORATE IMAGE PERSONAL PORTFOLIO



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- MARKETING INFRASTRUCTURE
- NETWORK

LEARN HOW TO MARKET TO MODERN-DAY CONSUMERS

Modern-day consumers are not the compliant and passive "clients" of the past. They conduct thorough comparative shopping, relay referrals, and value Web presence. Learn to market yourself online where your expertise, competence and knowledge are easily visible and well established (a simple, informative website will do).

BE WILLING TO DISCLOSE

Modern-day-consumers who live and breathe through Facebook and other social networking sites, highly value transparency and personal disclosure. Long gone are the days of the blind trust in the mysterious and illusive expert. Make sure that your online and offline marketing materials give clients a sense of you as a caring and knowledgeable human being who is engaged in life fully and joyously.

WATCH MARKET TRENDS AND BECOME A PRAGMATIST

Be aware of social, geographic, economic and political trends that may square with your interests. If you live in a city but your specialty is children and families, consider practicing in the suburbs. If you notice one market trend evaporating (litigation, for example) and another one gaining steam (facilitation/case management) determine how to get on the new track in a way that suits your abilities.

Find a high-demand area that fits your skill set well. Anticipate changing again if the market calls for it.

The people who have long-term success are those who can adapt to these changes. Without adapting, I think mediators can get angry, depressed, burned out and fall into learned helplessness."

CREATE A PIPELINE OF OPPORTUNITY

Sending out e-mail news letters and regular follow up correspondences.

DEVELOP A SIMPLE WEBSITE

- A basic web presence is a no-brainer in this modern digital era. You can develop a website yourself for free or have it developed for you for a couple hundred dollars. Make sure that the website includes the following components:
- Professional background including your training, experience and expertise via a short bio.
- Personal statements that give the reader a sense of who you are as a caring and engaged human being.
- A slew of useful free information on different mediation topics in the form of articles or links to others' online articles, organizations and resources.
- Note: *Linkedin* or *Facebook* profiles, and blogs can also be helpful in establishing a Web presence.

Develop and cultivate a strong network

Most successful mediators receive the majority of work from their trusted network. It is essential to create an environment that provides you with an ongoing flow of opportunities. Attend networking events, utilise blogging and social media, or create an email

newsletter to keep your network up to date. There are many ways to build and nurture a strong network, but the key is to be active.

CULTIVATE REFERRALS

As mediators, we must move away from "begging" people for referrals to a more dignified position. The idea is to approach potential referral sources with the attitude of a professional-helper who has valuable information and services to offer. As mediators, we can help the NGO's chief in dealing with burnout among staff by offering mediation and drafting of parenting plans and part of training opportunities and community development synergistic initiatives, ministers in dealing with divorce in their congregations with positive and solution oriented mediation alternative, the local newspaper editor in filling her/his newspaper with intelligent commentary on alternative dispute resolution solutions, *the creative opportunities are endless.*

Challenges Cost / Fee Structures

DEVELOP A HEALTHY RELATIONSHIP TO MONEY

Mediators, psychologists, social workers and counselors often view money/wealth and care/healing as antithetical. In order to be successful in private practice, you must come to terms with your relationship to money and wealth. You must liberate yourself from the notion that profit and care are incompatible so you can become a wealthy and caring and successful therapist.

Attorneys: finance and results driven losing the compassion. People might lose faith in you and question your motives.



TAKE ALL FACTORS INTO CONSIDERATION

Too high, too low, just right. One of the biggest challenges facing new mediators is setting their fee structure. There is a science as well as an art to setting a rate that is both profitable and competitive and yet affordable especially when trying to get into the market. The science requires an understanding that profit margins, expenses and running costs all contribute to your billable rate. The art is consideration of the market value of your skills, the economic climate, and the value of your competition. Area specific in regions.

Solution Strategy

1. Understand your market / area
2. Economic climate of your environment
3. Adjust / be flexible
4. Keep costing low
5. Shared premises and expenses, streamlined processes etc

Quality Of Clients

Specific focus, wide reaching results. Many new mediators try to do it all, eagerly going after any piece of new matter that they can reasonably handle. Maintain focus on your core expertise and avoid the distractions inherent in veering off course. Clients are savvy and want experts for a particular purpose or skill set. Be specific in your focus and clients will have the confidence that you have what they need and will provide them with dedicated attention.



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Termination

- Establish if the matter can be mediated
- Capacity and Attitude of parents and attorneys and role players
- Pathology or substance abuse domestic violence
- Pathology & substance abuse
- If you are being abused
- Child abuse
- Bias
- Unrealistic expectations
- Parental alienation

Administrative Challenges

SOLE EMPLOYEE AND STAFFED PRACTICES

'You are a Businesswoman/Businessman. Accept it.'

As a sole proprietor of your private practice, besides doing therapy you also serve as office manager, bookkeeper, public relations director, marketing director, business executive, typist, receptionist, gofer, and more. Learn the basic management skills or hire help, but do not neglect these activities.



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COMPETENCE AND ATTITUDE OF STAFF

Represent your brand and product (mediation service).

People management.

Building a successful practice involves teamwork. A typical practice involves mediators, assistants, candidate attorneys, secretary, office managers, and receptionists. Everyone must be motivated to perform to the best of his or her abilities and to play as effective team members. I have noticed that monthly staff meetings work well to bring everyone up to date on office issues, as well as providing an open forum for discussing concerns. I have also noticed that, in large organizations, it is easy for names of staff and their valuable services to be "lost."

Recognition and celebration of staff work must be addressed.

Recognition is important because people derive self-worth from their jobs. The contribution and importance of their roles must be appreciated and respected.

Internal Processes

HAVE ALL FORMS IN PLACE

There are a few basic forms that you must have available and use regularly. These include intake forms and Practice Policies for new clients, Agreement to mediate, copies of the Children's Act etc. You must have these forms personalized and ready to go in a few minutes.

ENQUIRY PROCESS – INFORMATION TO CLARIFY MEDIATION AND PRACTICE REQUIREMENTS;



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- Information pamphlets
- Intake form
- Agreement to mediate

PROPER AND EFFECTIVE INTAKE PROCEDURES AND PROCESSES;

Explaining mediation will be a time consuming exercise. Ensure that you have standard documentation ready for e-mail queries. Electronic intake form and agreements to mediate.

- Booking appointments
- Time consuming, mediating while running your bookings
- Planning of sessions and schedules
- Length of sessions

DEPOSIT DEPOSIT DEPOSIT & PROPER INVOICING SYSTEM

Say no more

No deposit no consultation unless you are willing to learn and gain experience at no cost.

Regular invoicing if accounts paid over 30 days are part of your policy has to be sent out and managed and payments need to be vigorously followed up.

CLIENT CARE

I still believe that "customer comes first" is the right attitude to follow, even in mediation. Challenge of 2 clients with opposing positions:

The challenge of a win win solution. Always try to focus on the best option for your clients. I made it clear to them that I would be happy to try to accommodate their desires within a realistic time

frame and working method.

CLARIFICATION OF ROLES

Start your projects with clarity. It is important to set clear expectations up front. Clearly articulate your strategy and position and methodology, rate and outline expectations for both you and your client. Maintain clarity ongoing by issuing updates on milestones, and key decisions that affect the process.

REPUTATION AND INTEGRITY

Build equity in yourself. As a mediator your reputation is your most valuable asset. Delivering high integrity and good work is the best insurance you can have to protect that asset.

PRODUCT INTEGRITY

As mediators, we sell a service to our clients. This service is delivered using tools, technology, processes, and people. It is this service that the client experiences and remembers. If any of the four components are less than satisfactory, then it affects the entire service.

It is the well-being of our clients and the quality of service we provide to them that count the most.

PROFESSIONALISM

To me, this term typifies the special conventions, mannerisms, and forms of politeness that a business should practice and project to its customers. Unprofessionalism may encompass a lack of ethics, being biased, getting personally involved, poor communication and a failure to send follow-ups and feedback to attorneys or clients. Clients should never be placed in a situation where they see weaknesses in office management. It will be the one aspect they always remember. Professionalism is reflected in the values that

we respect and practice when we do what is right for the client every time.

CHALLENGE OF NEUTRALITY / UNBIASED

- Client Expectation
- Unbiased: Expectation Of Client To Assist With Own Agenda
- Being Fired For Not Taking Sides And When To Terminate
- Grievances
- solutions
- Procedure – Governing Body
- Mentor
- Communication

Outside Influences

Attitude Of Courts, Clerks Of The Court, Attorneys Lack Of Cooperation

SOLUTIONS

- Bring Solutions And Stop Complaining
- Take Personal Responsibility
- Become Accountable To Someone – Mentor

- Cultivate And Invest In Relationships – Respectful Interaction
- Integrity
- Quality Of Service
- Registration Of Parenting Plans
- Volunteer
- Know The Act
- Section K In Industrial Court And Other Rules Obligation To Mediate Is Now Enforceable – Adapt Your Correspondence
- Case Law: Brownlee Matter
- Be Patient and Consistent

Attorney Challenges

- Ethics of consulting
- Prescriptive
- Aggressive

Therapist Challenges

- Council and therapy vs mediation
- Client vs patient

PRACTICAL TIPS

- Inviting and relaxed atmosphere
- Comfortable seating
- No distractions; phone, staff or environment
- Smells: coffee, flowers, fresh air
- Water and sweets
- Smoke breaks

RESOURCES

PRO BONO.ORG

Q&A



- Emotive – becoming involved & taking responsibility for parties
- Intimidation and fear

Invest In Yourself

- Ongoing training
- Mentor
- Debrief
- Self care
- Rest and healthy diets
- Prevent Burnout

In order to sustain a long-term practice, you must prevent your own burnout by creating balance in your life between professional work, familial, recreational, communal, political and/or spiritual activities.

Finalisation Of Agreements

- Drafting & Registration/ Lodging Of Agreements
- Gain Experience
- Network With Attorney
- Register Processes – Court Or Family Advocates Offices