



Simeon Baum spoke of not only the life of a mediator, but the kind of person a mediator strives to be. This was my favorite thing he talked about last night. He said, “The model of mediation is the kind of person I want to be.” People always say they hate lawyers, and when people ask me what I am in school for they react with sarcastic distaste in my choice. I think people perceive lawyers negatively because they immediately think of the “adversarial” type of lawyer, and this is the type of lawyer I have never wanted to be. What Mr. Baum described was the complete opposite of what kind of person people usually perceive a lawyer to be. Mr. Baum talked about not only a mediator’s job but the perspective they have towards their clients and methods. A mediator facilitates the communication between the parties who are “there as people.” He described a mediator as neutral – not on either side but everyone’s side. A mediator is supportive, flexible, a great listener, and compassionate. Compassionate is a characteristic that I suspect many people would not immediately think of when they think “lawyer.” I love this idea, because I know it is possible to be a great lawyer without having to give up kindness. Mr. Baum said what is beautiful about mediation is it brings humanity to cases because parties get to be “people” not just names on paper with a rigid objective of winning. I agree with Mr. Baum that the way a mediator lives is “a great way to live life.”

Nice!

Another idea Mr. Baum talked about was how little a mediator really does during mediation. He referred to “wu wei” meaning “non-doing,” from the book that inspired his perspective called, Tao Te Ching. In class we talk about all the things a mediator has to make sure they are doing such as making sure everyone stays focused and keeping the energy positive in the room, and from this I pictured a mediator speaking quite a bit to facilitate the conversation.

However, Mr. Baum spoke of the “inactive” role a mediator should take, and it makes sense. He said the mediator is a background player, and if you let the parties really talk about their issues, they will resolve it themselves. I think for many “type A” personalities that the legal profession attracts, this inactive role is difficult. In law school what people often advise for networking is that you ask attorneys questions about their lives because they love to talk about themselves. I find many law students also love to talk about themselves. But I like that a good mediator is someone who listens. I think no matter who you are, often times all you need is someone to listen to you. Mr. Baum said what is fundamental to a mediator is “just being there, deeply connected with everyone, listening really well.”

Mr. Baum spoke a lot about litigation in comparison to mediation. This was particularly interesting to me because even before law school, litigation was never an area I wanted to go into. When I got to law school I found out about mediation, and all of the reasons why “mediation is beautiful,” as Mr. Baum put it, are why I am interested in the practice. Mr. Baum said “impossible can become possible through mediation.” He said litigation is a block to creativity, and you start to miss things like interpersonal dynamic. There are things you start to understand as a mediator that would help with understanding the dynamic of a jury, which you often times do not see when litigating. Mr. Baum told us stories of parties in seemingly impossible situations that came to a resolution in three hours, which would have otherwise taken three years of litigation. In litigation the focus is on the facts, and no one thinks about the people. But what is very important to solving problems are the people behind it. The comparison between litigation and mediation was a good perspective on how I would like to practice as an attorney.

Great!