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Getting to the Heart of the Matter — Taking Risks that Honor Yourself and Your Work*

Linda E. Meyer**

Good morning. I want you to know what a pleasure it is for me to be here with you and have an opportunity to talk to you about the things we don't normally talk about. I am bored with talking about all the usual things: all the great techniques we know, how we made money, how we didn't, why we can't make more, what's wrong with those lawyers, how do you clean them up, what about those clients.

I am here to talk to you about what got you into this profession in the first place. And that was a feeling. A feeling that is very hard to articulate, except maybe to yourself. It was a sense that there was something here for you that was new, that was different, that was amazing, and that you could actually be part of a process where things happened and changed. You could be respected. You could be honored. You could feel that you had actually done something that made a difference.

I want to tell you that is why I was in love with mediation. Thirteen years later, it has been a struggle for me to hold on to those feelings. I want to talk to you about that journey because we never talk about it. We talk about the fact that we are all together and we are successful mediators. Well, I want to talk to you about the silent moments when you wonder if this profession is really any different than the one you left behind. If the lawyers really care what you think. If the clients really change. If you are really nothing more or less than a message carrier for money because you're seen like that. Sometimes I see myself like that. It is difficult.

Why do they love you?

Why do my clients love me?

I'd love to tell you that it was because I had a great heart. What I hear instead are comments like:

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** Linda E. Meyer, J.D. has a full-time mediation practice, located in Malibu, CA. She mediates about 150 cases a year in a variety of areas, such as Employment, Real Estate, and Tort Law. She is a leader in the field and has mediated over 2,000 cases. She has degrees from Wellesley College and the University of Michigan Law School. Ms. Meyer has taught mediation and negotiation at Pepperdine University School of Law's Straus Institute for Dispute Resolution. <http://www.Mediation-one.org/training/Meyer-Training-04.pdf>.

“She is really good at getting those dollars.”

“My client likes her so it is okay to go through the drill she puts us through.”

“Whatever — as long as she keeps them happy.”

“She gets the deal done.”

And then of course, the disparaging remarks that come with an edge.

“She makes a whole hell of a lot of money. How does she get away with charging \$10,000 a day? Who is paying that?”

You know what? We are all the same. We enter into this because we wanted to hold onto a sense of ourselves — a sense of the mystery of things. To know that we are not just going through the motions, the same stuff everyday. I would say to you, as I say to myself, that if you ask yourself in the quiet moments there are many days that you would put in the category of “same old, same old.” But you are afraid to complain, as am I. You don’t feel you have the right to complain when you make money and are successful at something.

I felt that way about being a lawyer. “Who do you think you are to dare to say that you are making a good living and you want more satisfaction?” Didn’t your parents tell you that? Didn’t you hear “This is about work. You get paid. You get business. Shut up and enjoy it.”?

Well, guess what. I did that as a lawyer and I made a mistake. I thought that when I found mediation all of that routine, the lack of satisfaction in my work would no longer be an issue. I thought I had found something that would always let me feel passionate and alive, that mediation was the answer. I am telling you this story because it is my story. But, I am also telling you this story because with the conversations that I have had with many of you, I learned, it’s your story too. It is a story we don’t want to think about most of the time.

Mediation can become just like any other profession — just like Law or anything else — where you just show up because you are earning money. It is the same old drill and you are sort of bored with it. But, you do it anyway to support your family and to support yourself. The real key here is not mediation. It is you. It is who you are. It is the stuff you bring with you to work. It is your ability to find pleasure, joy and a unique experience in every day.

We get bored easily. First, we start by wanting to attain a goal: “I want to be successful. I want to have so many mediations. I want to charge so much and I want people to be knocking on my door.”

Okay. Then what? For those of you that think that when you get that, and most of you already have, that things will somehow be different and you will be somehow relaxed because you won’t be worried about getting more business; I have news for you. It gets even worse because they are knocking on your door, they are paying \$10,000 a day, and everyone is saying what a great gig you’ve got. But, your heart is not working.

Where is the satisfaction?

There are songs that say “There’s gotta be more.”¹ Well, you know what? There are days that we have had, all of us, when you feel you’ve moved the client, when you feel that you got to something that mattered. It wasn’t the settlement amount because you’ve got to get to that if you are going to be in the marketplace. You’ve got to get to that more often than not — no matter what they tell you.

Have you ever had those courses where they tell you that it is the process that matters?

They were right. We just didn’t believe them. I can’t see telling my clients: “It is the process that matters, so, what if I have a 10% settlement rate?” What they would say is “Yeah, good idea, Linda. It is the process that matters and I am going to somebody where I can get a deal.” You cannot impose what you want, what moves you, on other people. What I have been struggling with for thirteen years is how to balance what I need with what my clients need, so I can have the success that I want and care about. I would not be satisfied to not have enough clients, to not be able to charge what I feel is comfortable for me, to not feel valued. I want all of that. But, it’s not enough. It’s not enough.

I want to know that I am actually doing something that matters. I want to do this with the most difficult people on the planet. We all know who they are because we are them and we work with them. I want to change a legal system that has more constraints and more chains than you can believe. It makes the human beings irrelevant. It makes the real story unimportant. It causes lawyers to take people and package them so they fit in an artificial box. You sit there as a mediator and you watch them talk about their client, then you hear their clients speak and you wonder, “Who is that?”

The clients are you and me. They are really simple. They are in a legal system because they are dissatisfied with something. Not necessarily the cause of action that they have beside their name. How do you handle that? Some say “Well, I don’t want to get into that. My job is to settle this case.” That’s what I said as well. I am telling you about me. “I want to settle this case. I know the law and we will figure out how to fit this into a package and everyone will go home happy.” Everyone but me, because I sat there after I did it and I thought, “You are so good at it.” Good at what? I knew it wasn’t real. I knew I had not really gone below the surface to see what was motivating the client. I knew I had not touched a heart.

1. A recent tune sings, “There’s gotta be more to life than chasing down every temporary high . . . well it’s life, but I’m sure there’s gotta be more.” Stacie Orrico, *More to Life*, on *More to Life* (Virgin Records).

Try saying that to the lawyers you work with. When you talk like that, oh my goodness, now you are touchy-feely. If you are a woman that is the first thing they say about you. I never think about myself that way. But, I want to tell you that I know a lot of men who care just as much about emotions. They are just afraid to speak about it because there is no room for it in the legal box. "Just get it done. Just get the deal done." That is what they teach us success is about.

I want to tell you about what my success has been about. It has been about not accepting that. It has been about knowing that I am in a privileged position to be with people in conflict. I have been given a gift, like all of you, to stand there and witness a moment in time and that if the only thing I bring to them is a settlement, yes I have helped them, but there was so much more that I could do.

When I started off, I tried so hard to fit in. I took all this love for the process and I tried to follow the format that everybody else was following. I just let the lawyers talk. If they did not want their clients to speak I said to myself, "That's okay. Don't force it. You will make the lawyers uncomfortable because it increases their risk. They don't like it. They will think you are too soft." I was afraid that if I disagreed with them they would never use me.

Well, I tried it and nothing was being said. We were talking about a cause of action that had nothing to do with the human beings in front of me, nothing to do with the lawyer's agenda, nothing to do with the client's real agenda, and, most importantly, nothing to do with my agenda. Somewhere, in these thirteen years, I found a part of myself and what I needed to do. Each of you, I hope, has been looking for that. But, really we are taught not to think about ourselves. We are taught that we are not important. We are taught that the parties matter and you need to stay on the outside. That's how we do it, not just in mediation, but also in many professions. By taking ourselves out of the picture we lose the most important thing we have for our own satisfaction.

I can tell you unequivocally that it has been thirteen years of continuing to look, to strive for, to find me and what makes me passionate. I don't want to live and have work that doesn't make me want to get up everyday and think, "I can't wait to get in there." I don't want work that is routine. I don't work that just brings in money. I want it all. You should want it all, and you should know that you can have it all, despite what a million people tell you.

I was nobody; I am still nobody in my view. When I started, I could not get anybody to even listen to me. I said I was a mediator and I had a business card that said "Mediator" and that was it. No contacts. No past history. Nothing.

So, I started following the route that everybody took and it was empty for me. I didn't think of myself as a risk taker. I don't think I am courageous at all because I am always full of fear. The only thing I can tell you is that I act past it. After doing this for a year, following everyone else's format I found myself sitting there and thinking "That is not really what they want to say, that is not really true, that is not helping them." I would ask myself, "What did I do to-

day?" Because you have to think about what you are doing in your work. I decided to change it. I did something without knowing how it would come out and it was a risk.

All of this today is about taking risks. I want to tell you the more security you have the harder it is to take risks. We are in prisons with our security. I want to tell you that if you want to live there is no way to live without pushing yourself past your own boundaries.

I decided to do something called a Restatement for the Client and Lawyer on each side of the table. When I listened to the lawyers talk in the joint session, I knew that it was not real. I knew the clients' had been coached to avoid all emotion, everything they wanted to say because it was "not relevant" to the legal case. Intuitively, it felt off. What they said was at odds with the level of conflict in the dispute. It did not make any sense.

Initially, lawyers resisted me left, right and center. Some even stopped using me. Some said I was touchy-feely. They said, "This is very weird. We don't want our clients to talk. Then there is that thing Linda does." That is what they call it now: "That Thing She Does." I have been told I channel. I have been afraid to use that word.

Oh my God, if they knew I was channeling, then what would that mean?

Well, guess what? We are all channeling hearts. When you sit in a room and you can feel somebody that is their heart. You could channel that heart, but it is a risk. Say you open up your mouth and say, "This is what your heart wants." And they look at you and say, "No, it isn't!" That would be a setback for the mediation, wouldn't it? Yeah, well, you know what? I was terrified. But, I was also bored. Bored with myself. Bored with the fact that I was following everyone else and it was not doing a thing for me. So, I said, "Fine. I am going to channel somebody's heart. The worst that can happen is I'll lose those clients." That is how I started off. Not a lot of courage.

I channeled the client's heart, which means simply that I heard their story. I insisted that they speak and that was revolutionary too.

"Who the hell are you?"

That was what they were thinking.

"I don't want my client to speak. I speak for my client."

But, they didn't speak for their client. I've had clients afraid to answer me when I meet them and say "Good morning." Why? Well I figured it out and I finally addressed it the other day. (I am getting braver by the way). It takes thirteen years to do this. I looked at the client and in front of the lawyer asked him, "Did your lawyer tell you not to talk to me?" The lawyer started laughing and the client said nothing and looked down. I said, "No one can stop you from communicating with me. We can either do it in words or I am going to try to

figure out what you want to say, what you are really thinking about, what your role is in this litigation.”

So, I did a restatement of the client’s heart. The plaintiff’s lawyer, because they are always thinking, “How do we win this case?”, thought, “Well, this is kind of good. This is like a closing argument. This is my jury appeal.” They were not thinking about the client’s heart. They were thinking advantage.

The defense was infuriated. I took a break after that and the defense said, “You are supposed to be neutral,” of course once I did the defense restatement they thought everything was fine. They don’t want neutral. They want you to tell the other side to do what they want.

By the way, you’ve never been paid to be neutral. If you think that you have, then you don’t know who you are working with. That is what they say, “You are a neutral.” They hire you counting on the fact that you are not going to be.

How’s that?

You might as well tell them. I do now. When they call me up and they start talking to me and they say “I just want to tell you about the other side,” I say, “I understand . . . you’re paying me to talk some sense into them.” So the plaintiff’s lawyer was thinking, “Great! Well, this sounds good and it sounds like she’s on our side.” Doesn’t matter what I say — I tell them when I do the Restatement of their position “it’s not my opinion, it’s your opinion”. The words are irrelevant. They just want to know “How do I win this?” And then I did the Restatement for the defense and the plaintiff is thinking, “God she is so two-faced. I can’t believe her! I can’t believe she’s saying that! That is outrageous!” All the love she had been feeling for me ten minutes ago went down the drain. Well, it’s not personal guys. It’s not personal. They love you if you’re going to play into their stuff.

And here is the sad news. Their stuff is your stuff. You and I, as mediators, are bringing to the table a ton of issues and needs that are all unspoken — our need to be respected, honored and important. Why do we find lawyers so annoying? Because they don’t listen to us. Because they challenge us. Because they have a one-sided viewpoint that they want to convince us of. And they’re not respectful of what we’re trying to do. What’s wrong with that? We do the same thing don’t we? Who are your favorite clients? The ones that tell you to get lost? The ones who give you a hard time? The ones who say you’re not being fair? The ones that say: “You know what? You’re doing a great job — I really respect you?” Now, that’s a good lawyer! Really? Not necessarily. You know what? When you understand that the world in front of you is a mirror that reflects you, then you gain a tremendous amount of knowledge and compassion for everybody in front of you. When I see a stubborn party that pushes my buttons, I see in them my own stubbornness, which can be a gift and also a great liability.

So, I started this and tried out this Restatement and it became what people talked about. Now you could say: “Why? Why would they talk about that?” You think they talked about it because I was good at it? Well, I hope so, but that wasn’t the real reason.

They talked about it because it made me different. I didn’t do it to be different. What makes you different is anything that comes from you. Anything that comes from you. You don’t need to do that Restatement. You need to be you. So easy to say, but so hard to do. The risks are amazingly high. I’m here to tell you that you will survive all of them and come out with an extraordinary gift, which is a sense of your own uniqueness, because all of you want to help — truly, deeply, want to help and want to be very successful doing your work, and those things are not mutually exclusive.

When I started mediating, the idea of charging money for mediation was a new concept. You were supposed to do good for free. That’s what we think. If you charge for it, it’s not really good. You’re not a really good person if you ask for money.

Oh please! Money is energy!

Do you want to be valued? Money is how we value people in our society.

I have mediators come to me all the time and they say, “Linda, I’m not getting paid. I’m doing this stuff for free and I’m not getting paid.”

I say, “Why do you think you’re not getting paid? Because you’re doing it for free!”

“Well, if I don’t do it for free, I won’t have any business!”

That’s what everybody thinks. At a certain point you take a risk, and you say that I am worth something and I am good at this, and they need me and I’m going to do it. That’s how it starts.

You know what?

We’ve all got money issues. Let’s just say that. It’s not the people who won’t pay us. We’ve got them, you and I. I talked to a mediator who said he wanted to raise his rates and he called his first client and told them he was thinking of raising his rate \$500 dollars” (which brought him to market rate), and the client said, “What?!? We’re never going to be able to bring you all those cases.” And the mediator said, “It’s okay. I don’t want to lose those cases. I won’t”.

The mediator told me that he didn’t make the next call because after that response he decided not to change his rate. If I had adopted that approach, I’d only be making \$150 an hour. Many of my clients were upset every time I raised my rate.

How’d I decide to raise my rate?

I watched the market. I looked at my business and experience. I decided it was okay to lose some clients and their business. I had to get to the next level. I decided to take a risk that I was worth it and that I could still bring in the work.

Now, I hear people telling me, "It's terrific that you earn so much money." I also hear things like, "I think it's unconscionable that people pay you \$10,000 a day."

Well, not for my client's consciences! And, I'm okay with it. (laughter in the background). The money is not why I'm doing it. I'm doing because I'm in love with helping and feeling like I'm making a difference. I'm doing it because I haven't found other work I like doing as much as this. What I've learned about myself is that you always have to watch out for being in chains. You always have to watch out for that. With my success, I have built a prison for myself. It is a prison that does not allow me to take the kinds of risks I took when I started off. The good news is that with this talk today, I am choosing to no longer live in that prison. I want my freedom, it is the most important thing I have.

I want to talk to you about all the dirty little secrets that we hide as we go walking into a room in our suits and sit at the head of the table feeling so great that we have done this and that, and the truth is that a part of us has checked out of our work.

How do I know this? Because it's what we whisper about. We say "I'm tired of this. All I do is take money back and forth. All that stuff they talked about like healing and all that stuff never happens, or it happens rarely." We ask each other and ourselves, "Do I need to find a new profession?" Well, you know what? I don't think so. But I think it's true that you have to keep looking in the mirror asking, "What am I doing? How am I putting it out there? Have I given it all? Am I alive or am I just on automatic pilot going through the motions?"

When I first became a lawyer, I was excited about that job. That excitement lasted a very short time. I remember my first summer job — I was working at a law firm in Boston named Goodwin, Proctor, and Hoar.² It's H-O-A-R, by the way. A professor of mine from Wellesley who didn't think much of the legal profession, called me up and said, "Why do they bother with that Goodwin Proctor stuff? Why don't they just say, Hoar Hoar Hoar and Hoar?" (laughter in the background).

You know what? I asked myself, "Is that what I am?"

Now, as a mediator?

For a price, I'll settle it. I'll do what you want. I won't ruffle any feathers. I won't tell you what I think. Don't we all sell ourselves short a lot of the time? Speaking up is so frightening. You could lose everything, but you know what, if

2. Currently Goodwin Proctor LLP, Exchange Place, 53 State Street, Boston, MA 02109. Website available at <http://www.goodwinproctor.com>.

you don't, you have lost everything. You've lost the only thing that matters — yourself. Unbelievable spirits sitting in this room; great hearts; great hopes.

Where are you in your work today? What's the prison that you're in? What are you doing to get out of it? Are you waiting for the lawyers to change? "If they'd only be a little more flexible, I could do this Linda!" Right! You don't want to do it in a setting that's easy. That doesn't take courage. That's not going to be exciting. What's going to be exciting is the first time you open your mouth and say something that's really you and they listen to you. That's when you're going to want to fall over, because they will. How do I know that? Well, they listened to me.

And you know what? I lost people. They went to other mediators. Thank goodness we have such a great variety! Not everybody is going to want to do a restatement of the client's position, as it will not be comfortable for him or her. You don't need to restate it. But if you're tuned in to who's in front of you and what's really going on and you're willing to not just say, "Oh, it's a sexually hostile work environment," and instead say, "You know what, she really felt treated badly. She wasn't honored in this way. She lost her way. She lost her confidence." You can work with the real issues that are driving the money negotiation. You can change the money negotiation so that it is more acceptable to both sides.

I'm not talking about something that's not real. I settle 98% of my cases. I'll tell you why I do it. It's not because I think I'm a great negotiator — I'm a good negotiator. It's because I go for what's under the surface. It's because I don't listen to what they say they want. I listen to what their heart wants. I take chances. I take risks. I do it for them and I do it for me and I know I'm part of the picture because I am human and I am allowed a place in my work. I'm allowed that. That's my decision.

One of the things I did five years into my practice was to get a three-acre estate in Malibu. I rented it and turned it into an office. I want to tell you what people said about me for years after that: "Have you seen her office?" It used to hurt my feelings, can you believe that? I thought, "God, they're saying I'm not a good mediator." I know some of you are saying "We should have your problem." But, I want to tell you that I decided that after six years to let that office go. I want to tell you the real reason why. Because I no longer knew why they were coming to me. Because I had lost touch with who I was. Because the place was larger than life. It was glorious and beautiful and it was on the ocean and we made them lunch and baked them cookies and pasta and we had a full time housekeeper and it was a trip! But I didn't know who Linda was. I needed to find her. Because she's really the only thing I have got that's mine.

I gave up the office thinking, "Well, nobody's going to come anymore."

You know what happens when you're afraid of things? People mirror those fears back to you. I had a whole series of clients say to me, "Oh my God! Nobody's going to come!" And I thought, "Oh my God, nobody's going to come!" It's the same thing about raising rates or doing anything. They're not coming because I don't have an office. These days I go to their offices. Guess what? Business is up!

That is the message here: it's about you. It's about your path. It's about where you walk. It's about thinking about what you want, and knowing it matters, and it's relevant, and it's okay, and you can get paid for it, and you can be honored for it, and you can get a reputation because of it.

My reputation is that I'm a little odd. But nobody cares because I make a lot of money. So be a little odd. Be yourself. That's all I've been. I haven't even known it and I have a long way to go. The thing that I have learned in the last three years that I have been struggling with my own growth is that now I've got this Restatement and it works, and I've got my reputation and it works. I realize that I haven't been saying a lot of things that I've been thinking in cases, a lot of things about the way people interact, a lot of things to the lawyers. When I meet with them and watch the way they interact with their client and I know that the real issue is not the cause of action on the table. So I've decided to start taking more risks. And they terrify me. I am waiting to be kicked out of the room every single time. But I will tell you I haven't been yet. When I walk out, I feel a measure of satisfaction and that is what I'm looking for.

I want you to think about your satisfaction.

What gives it to you? Since you can't control people, it's not the way you get it. Since they are who they are, who can you be if you cannot be yourself?

What are you doing if you're just a message carrier?

Is your heart awake?

I know it is. I'll tell you the difference between the heart and the mind. The mind chatters endlessly — "should do that; can't work for me; I don't know; what if I fail; what if I look bad" — that's your mind. The heart whispers — it is barely audible until you start listening. Then the level of sound gets higher. Ask your heart, "How's it going at work?" See what it tells you.

When you leave a mediation what do you feel?

"Oh, I want more business."

Yeah, I know that one. But that one never stops, as you always think you don't have business. You think they're always going to leave, when things slow down you think they'll never come back. It doesn't matter if it's thirteen years, or twenty years, or five years, it never changes. And remember you don't know anyone by his or her persona.

I've started wanting my clients to see me. That's the biggest risk I've ever taken. I want you to see me — that's another risk. The persona is not real. That is your mask. I'm asking you to find the place where you take your mask off.

See what brings you joy and find a way in your work to get that rather than changing work again or turning work into drudgery.

It's tough in mediation — they talk about reconciliation. There are all these different models. My experience as a practitioner is that the models are a great idea but when you meet people, the models all cave in. You don't sit there and go, "Are we doing transformational today or not?" It's all there — all that stuff we learn we compartmentalize. It's right in front of you. What do you do with that? Don't you want to feel that feeling? That high? That amazing feeling that you just did something different? That the parties somehow were moved? Not in big ways, maybe. Isn't that why you wanted to become a mediator? Haven't you felt the power of it?

I want to talk to you about personal power. As mediators, we don't have any external power. Now some mediators don't know this. It's very humorous to me. They walk into a room and they say it's a voluntary settlement conference but let me tell you fifty rules you need to follow. Let me tell you that all attorneys I've ever met want to challenge every rule you give them. That's their job. So that's what they're going to do right away.

You start it off right. Us and them. Us and them. What's the story?

So, they're sitting in front of you and this is voluntary and you're like, "No, you can't do that. No, you can't do that." Yeah, it's okay to have a few ground rules like you can't interrupt. You need some rules to manage them but you can't dictate what they should feel and want.

We mediators love to give opinions. "This is what I, the mediator, think of your case." Well, you know what I tell people when they want to know what I think of their case and most of them do. They can't agree with each other so they want an evaluation hoping you will agree with them. So, I tell them what I think about case value and I also tell them none of us know what the real value of a case is. It is most often what a plaintiff will take and a defendant will pay.

How's that for undercutting your own evaluation?

When we talk about the negotiation, I meet them in the morning and I say, "We're going to be negotiating today and I fully expect that you to lie to me and it's totally okay." (laughter in the background)

Why do I say that? Because it is the truth. Because I trust that I will figure it out. I have to by the end of the day.

Instead, I know mediators who tell people, "You have to tell me the truth. You have to tell me where you really are. Let's just cut through it." Who do you think you are? We like saying "I'm neutral, it's voluntary." Those are empty words. We all have power issues in this room. And we don't have the external power in the mediation setting that we would like. Sometimes we create it. We just judge situations. That's easy, you know? Mediators think, "This

is what I'd do. This is what I'd pay." Much easier than trying to bring people with polarized viewpoints to their own agreement.

But I want to tell you that I think we have more power in the mediation setting than any judge on any bench anywhere. It's your personal power. It's the power of your being, your intention, and your desire to help. It's the power to speak the truth as you see it in a way that they can take in. You have a ton of power and if you use that power they listen to you. Ultimately, they listen to you. Most people who settle cases will tell you that they have on some level been listened to. That is earned. It is not adjudicated. It is earned.

So where is that power in you? Where does it sit? That piece of you that somebody can look at and say that that person is really trying to help me. They understand all the issues and they're giving me different options. I want to listen to them.

What makes someone listen to you?

Don't you want to settle cases because of that rather than because you told somebody what to do?

Well, you have got it. If you don't know it, it's because you just haven't found it yet. It's the greatest thing you bring to that table. It's not your resume. I'll tell you that, but God knows we trot out our credentials thinking they will help us.

Who are you?

That is the question I am asking you today.

Who are you? Read your resume to yourself.

Is that you?

Well, that's a part of me.

How much?

What does the fact that you went to Wellesley College or the University of Michigan Law School or Phi Beta Kappa or anything matter?

What does it matter when you're before people who are in conflict?

Who is sitting there now listening to you or listening to me?

Who is it?

I'm asking you to expand your view of yourself. I'm asking you to see how much you have that you bring to the table everyday that you completely ignore. You don't value yourself and you're worried that they don't value you? Here's a newsflash: if you do, they will.

How's that?

It's work. It's constant work. You never get there. Ultimately, we are all being paid to work on ourselves, our courage, our strength, our ability to serve, our desire for recognition that you never have to give up. There's no rule that says this has to be done without the things you want. You want to be respected and paid well and I'm telling you that you deserve it. You absolutely deserve it but you have got to believe that. If you're doing what everyone else says to do, then you don't believe that. You think "There are a ton of other mediators out

there and I'm no different from them. Why should I get paid more?" People say to me, "Why do you get paid more?" I don't know. I think it's because I bring more of myself in and I try to keep doing it and people that come to me (although not everyone will come to me, nor will everyone will come to you). They value that about me. And that makes me so happy. And I think I'm worth more than I'm paid.

What I give the lawyers and clients I work with is every ounce of me. They've got it for that day. Every part of my being, all my desire to make it work, to see them. That's the big secret. The big secret is that if you want people to love you, you just have to be able to see them. It's intoxicating. Clients, lawyers, yourself. Let them know you see them. That you honor them. Every time you do that it works.

Some of you may be saying, "I really don't want to get into that. That's too emotional."

Oh, for who? You, or them? That's what we do.

"Oh my God, this is going to take seven hours, this is going to take a long time, and you want to talk about something that is not legally relevant?" Yeah, well, my heart does.

I show up in the morning, and I'm like, "Okay, here's another case, blah blah blah . . ." and it takes me one second to look at them in the room and you know what I see? I see people who are just in agony. They've been waiting for this day.

Haven't you felt that?

They're so nervous. They've been thinking about what are they going to say to you. They think you're the judge anyway, even though you're not.

Don't you kind of love that? I mean, that's the power thing. I love that. (laughter in background) I do. I admit it. What we have to work on is to make sure we are not abusing it.

I have to tell you I have days when I think, "not again." Here's my mediation fantasy: plaintiff carries on and says everything that was horrible and done to them and the defense says they are being blackmailed and leveraged. I look over at both of them and I say "Get over it" and I walk out. (laughter in background). It's my fantasy! I admit it! Or, "Get over it, I'm going shopping, see you!" (More laughter).

What do I do with that fantasy?

I say, Linda, get a grip. I look at them and I find empathy for them. I find the places in me that have been in conflict and I think of what this must mean to them. I know they'll be okay at the end of the day but they've come here thinking they're not going to be able to resolve it and I want to give them all my attention and care.

And as for the lawyers, I want to tell you something: they are parties and most of the lawyers I know are extraordinarily decent human beings. They are in a system and they are trying to do work in a particular way. You have to work with that. To see them as people too and honor what they're doing and let them know they can still serve. You don't do it by preaching. You don't give speeches like this in a mediation. You do it in little ways. You let them speak and do what they believe advocacy requires and you meet them where they are. You talk to them about jury risk and the unknown factors of our litigation system. The biggest gift we have is a jury system. You know why? Everything's a jury risk. Thank God for us. Otherwise, what are we going to talk about? That's what we all do. This is the big risk analysis they think they pay us for.

You don't have to go to law school to be a mediator. You don't know what a jury will do. There is some risk here. No kidding. Tell me something I didn't know. What's the risk of a jury? The heart. What's jury nullification? The heart. They might just like that person. I always say it's about appearances. The risk is about appearances. It's not about the truth.

What am I doing?

I'm trying to get them to listen to me and let me do my job while still working with their pain, their passion, their love. Every time I do that, we can both be ourselves.

So when you go out there, how do you define your role?

"I just have to help them settle the case and get another case from them and I'll know that I did a great job."

Is that what you say to yourself?

Really?

That's a pretty narrow definition if you ask me. If it works for you, do it. Do it. What I tell you is just an experience that you can take or leave if it doesn't resonate, but I will tell you that my experience from working with mediators and talking to them is that they don't tap into 90% of who they are. They don't see themselves as having power. They don't see themselves as worthy of respect. Of course despite all the insecurities they work hard to not look that way on the outside. I'm not talking about the persona; it's what's going on inside that I'm talking about.

Mediators think lawyers don't value them and they don't value themselves. We are all trying to value ourselves. It doesn't matter what other people think. You will never get commercial success if you are outer directed to what other people think all the time. Trust me on that. If you want to get to the top, you have got to jump into the abyss. And that is risk. Greater risk, greater reward.

You want a nice easy coast?

You can probably do it.

How long? How many years before you're sick of it? Ever had those days where you just want to leave? You don't want to do any of that? It's just like before? How do you explain that?

For those of us who were lawyers first, we thought it was law that was a problem.

Now what are we going to say? That we think mediation is the problem?

There is only one problem: it's you and it's me.

It's our work to find the places where we're afraid to go. To allow others to voice the places that we're afraid to have them go to. To encourage an exchange which is real authentic and alive and the gift of it is amazing. You're going to want to dance out of your mediations. You're going to want to feel what it's like to have hearts in a room that have come to you and discover you can do everything that needs to be done. You can get the case settled, you can work with them on the numbers, and you can free them from their own chains.

The underlying drama requires you to get your hands dirty. And if you haven't been getting your hands dirty my guess is (I don't know for sure) that too many of your own issues come up.

What are we doing here if we're not here to work on ourselves and work on being the best we can be?

We are all works in progress. That's what we are. And the burnout comes when you haven't allowed yourself to show up. You get bored with them. That's what causes burnout. Attorneys suffer from burnout all the time, some pretty early in their careers. They are never or rarely allowed to share themselves. Packaging, packaging, packaging for the client. What's acceptable? What will work? What's the right approach? Not looking at it saying, "How can I help you? or What do I feel about this situation? or What's really going on?"

We can't change our entire legal system. But we have an opportunity to change it in moments when people are in front of us while taking its constraints seriously and working with them. If they don't settle with you they're going to court. But mediation has an extraordinarily high settlement rate. Their intention in coming to you is to get it settled no matter how they look or appear. That's not because we're so great. It's because that's what they want to do. We're just lucky enough to be with them to share that moment with them, to help them find a resolution.

In closing, I want to read a paragraph to you from a book called "The Places That Scare You" by Pema Chodron:³

"Strong determination is our commitment to use our lives to dissolve the indifference, aggression, and grasping that separates us from one another. It is a commitment to respect whatever

3. Pema Chodron, *The Places that Scare you: A Guide to Feableness in Difficult Times*, 83-84 (Shambhala 2002).

life brings. As warriors - in - training we develop wholehearted determination to use discomfort as an opportunity for awakening, rather than trying to make it disappear. How do we abide with disagreeable emotions without retreating into our familiar strategies? How do we catch our thoughts before they become 100 percent believable and solidify into us against them? Where do we find the warmth that is essential to the transformative process? We are committed to exploring these questions. We are determined to find a way to realize our kinship with others, and determined to keep training in opening our mind. This strong determination generates strength.”

For myself, let me say that I salute you for the journey that you're on. For the efforts you've been making, for the risks you've taken, and for all those that you have yet to take.

Thank you. (Applause)