

Mediation: The Chain of Pain and How to Get Off it

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Have a look at this. Familiar, isn't it?



I drew it while reading Sarah Barclay's excellent study about paediatric services.¹ It shows how conflicts escalate and pinpoints warning signs. Looking at the diagram, I was struck by three things:

1. In commercial disputes, you often see a 'chain of pain' like this. Possibly, also complicated where people are communicating by email. Not face to face.
2. Our views tend to be amplified by the illusion that we are right and the other person, deluded. As comedian George Carlin said 'Have you ever noticed that anybody driving slower than you is an idiot, and anyone going faster than you is a maniac?'

3. If the protagonists can't resolve matters, this is the likely continuum. Until somewhere along the line something boils over or someone reaches for a litigator. Then the conflict mutates again. This time through a legal prism.

So why is it relevant?

Because it shows two other things too:

- a) How much more is often at stake. Whether it is a boardroom dispute or a band dispute, an inheritance claim or a contractual one, it is also about financial issues, relationships, egos and reputations. Not things the courts are particularly good at dealing with.
- b) How much easier resolving things can be if you know how to intervene early enough. Less expensive and destructive too. Think of it as business marriage guidance. With someone like a mediator who can listen - to the words but also the gaps in between - and who can help everyone resolve things there and then.

So that you get off the chain before it escalates.

Or better still, avoid it completely.

For details of Andrew's upcoming 'How to Settle a Dispute in a day' and 'Mediation for In-House Lawyers' courses, please contact In Place of Strife on 0333 014 4575.



¹'Conflict escalation in paediatric services: Findings from a qualitative study', Liz Forbat, Bea Teuten & Sarah Barclay https://www.researchgate.net/profile/Sarah_Barclay3/publications