

A Road Map to Mediation Practice

by Jill I. Gross

Becoming A Mediator: An Insider's Guide to Exploring Careers in Mediation, by Peter Lovenheim, Jossey-Bass 2002. 251 pages.

In his new book, *Becoming a Mediator*, Peter Lovenheim provides a detailed road map for launching a career as a mediator. Aimed primarily at individuals who are contemplating mediation as a new or additional career, this book is an excellent resource for lawyers and non-lawyers alike who want to learn the benefits and drawbacks of the actual practice of mediation before investing significant time and money into pursuing this career.

Lovenheim effectively and realistically brings to the table his 15 years of experience as a volunteer and paid mediator. He also draws on his efforts at building a mediation practice from scratch, first working part-time, then as a staff mediator for a mediation service provider, and finally as owner and founder of his own company providing dispute resolution services to businesses and individuals. Finally, as a lawyer in private practice for several years before embarking on a career as a mediator, he has first-hand knowledge of the career-impacting decisions lawyers face when deciding to shift from the role of a zealous advocate for a client to that of a neutral dedicated to resolving disputes.

As Lovenheim explains in clear, simple terms, mediation is a process in which a neutral mediator attempts to work out a solution acceptable to all parties currently in dispute. In contrast to arbitration or litigation — where the resolution is imposed by the neutral arbitration panel or judge and binding on all parties who consented to arbitrate or litigate the dispute — the solution pro-

posed by the mediator is not a ruling as to the merits and is not binding on any party until that party formally assents to the Mediation Settlement. Thus, the mediator is a facilitator whose primary purpose is to get the parties to stop fighting through compromise and accommodation.

After describing the process of mediation, Lovenheim identifies the kinds of cases mediators hear and characterizes the types of individuals currently mediating cases. He provides a realistic assessment of the limitations of mediation, the difficulties in conducting mediation, and the frustrations practicing mediators face when attempting to resolve disputes. In a chapter the importance of which might easily be missed by a casual reader, Lovenheim inventories the personality traits of a successful mediator. This insightful inventory is a must-read for one on the verge of investing in mediation training.

Following these warnings and disclaimers, the author then provides detailed information about how to get trained as a mediator, as well as what to expect from that training. The book then methodically lists the types of job opportunities available to a trained mediator, regardless of individual background. In a reader-friendly manner, Lovenheim charts out the varying career options and organizes them according to the mediation service provider (i.e., the employer), the subject matter of the mediation (e.g., divorce, labor, contractual, neighborhood dispute), pay scale, the depth of opportunities likely to be available, and the background required to break into the field. While the author might present a rosy picture about the future of mediation generally, his cautionary language suffices to warn the

overly confident, newly minted mediator that breaking into the profession is not an easy task.

What this book does not contain is a comparison to related careers in other dispute resolution fields, such as arbitration and negotiation. Similarly, Lovenheim confines his discussion to careers as the neutral mediator, rather than as a party advocate. Finally, particularly for a law student or lawyer considering this career option, the book might be a bit simplistic about the level of legal expertise necessary to be hired as a mediator for a particular type of dispute.

These minor limitations aside, the author answers just about any question a novice would have when deciding to enter this career, and even answers a few questions that an already practicing mediator might have. Replete with lists of additional resources across the country to consult, including national and regional mediation agencies, service providers, training centers, court-connected programs, and web sites, this book is an invaluable reference tool for the

would-be mediator. At the same time, the author makes no secret about the fact that the book is just the tip of the iceberg because it can cover only generally the practice of mediation. For anyone considering a new or expanded career as a mediator, *Becoming a Mediator* is a useful and comprehensive source of essentials — a welcome addition to the small catalogue of reference guides currently available for this intriguing career choice.

Note: *Becoming a Mediator* is not available from NALP but can be ordered from your favorite bookstore or online bookseller.

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