



GINI NELSON'S ENGAGING CONFLICTS TODAY

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Geoff Sharp, NZ barrister, commercial mediator, blogger

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NZ BARRISTER, COMMERCIAL MEDIATOR, BLOGGER: GEOFF SHARP

Geoff is the 2007 chair of the NZ Law Society ADR Committee and often speaks on mediation both in NZ and more recently in the United States at the invitation of the American Bar Association. He is also the author of *mediator blah...blah...* <http://mediatorblahblah.blogspot.com/>.

A Personal Career Path

Gini: Good Morning, Geoff. Thank you for taking the time to share your thoughts and experiences with us. What attracted you to the field of conflict management in the first place?

Geoff: For me, I am not so sure that “attracted to” is the right way of describing it – looking back, I grew more distant from the litigation process as the years rolled by, rather than seeing the light and following the path of enlightenment towards mediation.

Over 15 years or so, like many others, I did become very disillusioned with the way that disputes were dealt with in the litigation process – I could never quite “get” the way we had to structure court argument and even when I was on my feet in the courtroom, I wanted the rough and tumble of a dialogue between the judge, lawyers and litigants.

My first real brush with negotiation was as a mid-level lawyer in a large commercial firm. Quite by chance I landed myself with an entrepreneurial inventor client who had invented a hydroponic system of pipes so that he could grow fresh vegetables right there in the supermarket aisle!

He had made a tremendous hash of the commercial side before coming to see me and was in all sorts of strife on the contract he had signed with the supermarket chain. We went into battle and I always remember the supermarket was represented by overseas lawyers including Queen’s Counsel,

who descended on my little internal broom cupboard of an office like a plague of locusts.

In one particularly steamy meeting we were offered the grand sum of \$15,000 to settle any entitlement and go away. Long story short even after the QC had complained to the senior partner of my firm that we were being ‘unreasonable’, we ended up getting \$1 million +.

That was the first time I tasted the power of interest-based bargaining and strategic negotiation skills. I remember saying to my colleague, there must be a way to institutionalize this type of negotiation so that it routinely happened in deserving cases.

Gini: If you knew earlier what you know now, would you still have pursued the same career path?

Geoff: Absolutely! In this business, 15 years at the litigation coalface prepared me well for mediation. Knock-about litigation is just about the right conditioning for the kind of work I do now. It also gave me tremendous networks and my former colleagues are now my clients. After all they are the gatekeepers of the kinds of disputes that I mediate.

I hate the way some mediators introduce themselves as “reformed lawyers” – as if law is some kind of disease. I see what I do now as a natural extension of what I did then. It’s almost as if we have unbundled legal services and this very specialist part of the law has been spun out to those who don’t want to be gun toting litigation trial lawyers but instead have a sophisticated sense of how and what is needed to resolve complex problems.

Gini: What is the best advice that you have been given? And what advice would you give a budding conflict specialist?

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...he asks himself, before every mediation, "what do they need" – quite simple really but quite powerful... That might be primarily a listener, or a coach, or a high-priced bellhop taking offers from one room to the other, simply being the host and providing a safe environment etc.



Geoff: I think the best advice I have ever been given was really quite recently when my Canadian colleague Gary Fitzpatrick was in New Zealand. Gary is a very busy commercial mediator in Vancouver and now a good mate. He said to me, quite by chance, that he asks himself, *before every mediation*, "what do they need" – quite simple really but quite powerful when one genuinely has no preconceived ideas about what is going to happen on the day and within the first hour or so you find yourself choosing a course that you think will take you to yes. That might be primarily a listener, or a coach, or a high-priced bellhop taking offers from one room to the other, simply being the host and providing a safe environment etc.

It's sort of related to the five humble hypotheses I talk about at this post (<http://mediatorblahblah.blogspot.com/2007/03/alliterative-allure-of-prof-john-wade.html>) on mediator blah... blah...

Conflict Resolution Heroes

Gini: Do you have a "conflict resolution hero," and if so, who and why?

Geoff: Yes I do. It is the chameleon.

I have always thought that mediators are natural chameleons. Good mediators can't have egos, or at least they can't bring them into the room, and they must to some extent mould themselves on the day to the environment they find (this is related to Gary Fitzpatrick's advice above).

To me that is all to do with being self-aware, reflective and having very good antennae to know what and how one should present.

If not the chameleon it is a little pig out at our bit of dirt just north of Wellington here in New Zealand. This little black kune kune pig lives with about five horses in a field. I think it thinks it's a horse. It regularly intervenes when there is a problem between horses. It is a bit like George Orwell's Animal Farm!

The Biggest Questions

Gini: What do you think are the big questions to be answered next in the conflict management field?

Geoff: Quality and standards. Quality and standards. Quality and standards.

Thrills and Spills

Gini: What has been your biggest thrill in being a conflict specialist?

Geoff: This may be a bit deep, but it was when months after a mediation someone who had been there sought me out to tell me what a difference the mediation had made to their life. It had started on the day and had not stopped some months later.

I guess it's a sense of enabling people to put things right, as best they can. There is so much 'waste' when people are in conflict; waste of precious time, precious relationships that took lifetimes to form, money of course, emotions/energy that could be spent on something constructive etc. I feel this acutely when I find myself in conflict with family, the phone company or when I'm mad at the world for whatever reason.

Gini: What was your biggest mistake?

Geoff: My biggest mistake, early on in my practice, was buying an electronic whiteboard.

I remember my very first mediation was booked and on the strength of it I went out and bought a very expensive whiteboard and got it screwed to my mediation room wall.

The mediation was cancelled soon after! I was left with nothing to pay the whiteboard supplier with. It was a very good lesson to me to make sure I had the wood in before I lit the fire – something I have followed on the business side of the practice ever since.

Gini: Any regrets?

Geoff: None. This job has sustained me since the late 1990s and each year I become more consumed by it. I remember the very first year after leaving my law firm when I came back from our summer holidays without a knot in my stomach – I knew then that I had found what many lawyers are looking for – happiness and fulfillment in their chosen profession with a sprinkling of 'I'm doing good work'.

Gini: Thank you, Geoff.

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I'll publish here interviews with the authors, and shortly thereafter publish 'podcasts' of telephone interviews I'll be doing with them at one of my websites, too.



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THE NEGOTIATOR'S FIELDBOOK SERIES FEAT- URES AUTHOR INTER- VIEWS IN *ENGAGING CONFLICTS TODAY*

I announced this new series in the last issue of *Engaging Conflicts Today* and will explain more here about how it will work. As I said, I'll be making annotated posts about all the chapters in the book at EngagingConflicts.com, and will make additional comments on the chapters here in the newsletter. However, the biggest news is that I'll publish here interviews with the authors, and shortly thereafter publish 'podcasts' of telephone interviews I'll be doing with them at one of my websites, too. Podcasts are a kind of audio file on a website that you can listen to, either from the website or by downloading it to your own computer, or mp3 player. Given there are 80 authors in this magnificent collection, the series will extend well into 2008!

Given that, I'll alternate the interviews in *Engaging Conflicts Today* with the kinds of interviews with other conflict specialists as I have been doing... some individuals new to the field, some well-established, some known for innovations in theory, some in technology, others in entrepreneurial innovations. This week, for example, I interview Geoff Sharpe, who is not in *The Fieldbook*. The next issue will feature an interview with Christopher Honeyman, both author and co-editor of *The Fieldbook*. The issue after that will feature another conflict specialist who is not one of *The Fieldbook* authors. And so on....

ENGAGING CONFLICTS ANNOUNCEMENTS

Please note that the previously scheduled Science, Ethics & Spirit conference is being rescheduled to April 17-21, 2008 in order to allow for scheduling conflicts and to add a half-day professional and business development workshop option. Please save the date! More information is available at www.engagingconflicts.com, and at the registration site, [http://santafeses.eventbrite.com/..](http://santafeses.eventbrite.com/)

NEXT IN *ENGAGING CON- FLICTS TODAY*

The first interview in The Negotiator's Fieldbook Series, with Christopher Honeyman of Convenor.com and coeditor with Andrea Kupfer Schneider of *The Fieldbook*..

RECENTLY IN THE *EN- GAGING CONFLICTS BLOG*

Welcome to a new blog, *Science and Religion*, at DiscoverMagazine.com. Father Holleran has, to me, an interesting background and the right approach to these discussions...

"Making the Most of Your Time: Going Beyond To-Do Lists"—Rajesh Setty is an entrepreneur and investor based in Silicon Valley who also maintains a popular blog called *Life Beyond Code*...

TIP OR TOOL FOR TODAY

Online media is exploding...and with it, a new class of creative people producing their own music, podcasts, professional-level photography and video shows. Mashable (<http://mashable.com/2007/07/23/online-media/>) has compiled the largest list so far of useful tools for self-made photographers, videobloggers, podcasters and musicians.

QUOTE FOR TODAY

"A man should never be ashamed to own he has been in the wrong, which is but saying in other words, that he is wiser today than he was yesterday."

— Alexander Pope

I encourage you to share this newsletter with anyone who is interested in timely and interesting negotiation, mediation and conflict management-related issues. The information in this newsletter may be copied and distributed without charge and without permission, but with appropriate citation to me and the *Engaging Conflicts* blog. A free subscription to the newsletter is available at www.EngagingConflicts.com.