

“Death by Suicide Note” – fishbowl skills practice session

by Peter Rosier, Secretary, NSW Chapter Executive, LEADR

The July NSW Chapter Network Forum took the form of a “fishbowl”, an interactive, stop-start and rewind outside-looking-in exercise involving a mediation with three parties, an experienced mediator, two facilitators and a script with many twists and turns.

Michael Green, whose mediation skills were much in evidence, stepped in to mediate a dispute over a deceased estate with the intriguing title “Death by Suicide Note”. Facilitators Michelle Brenner and Marilyn Scott helped an interested audience of over 30 practitioners understand what was happening and why, and where the mediation was, and was not, going. Interesting comments from the participants included observations about the importance of recognising emotion in a mediation, to the opinion of a lawyer on why one of the parties could not hope to succeed. (Our own in-house lawyer didn’t say so at the time, but he did not think that the legal opinion from the floor was correct and, in any event, observed, *sotto voce*, that this should not stop the parties from mediating!)

The fishbowl proved a great success, and although an extra 45 minutes had been added to the usual time allowed for Network Forums, time ran out way before a conclusion could be reached. Almost all of the participants expressed a wish for a repeat, perhaps next time concentrating on dealing with difficult people, or on individual aspects of a mediation or an expression of different styles for different parts of a mediation to highlight the pluses – and the minuses – of particular styles. Many of those present said it was useful observing other mediator’s styles, and the interaction between the mediator and the parties in a complex factual situation.

Whilst some of those present felt that time got away on both the mediator and the facilitator, and that there may have been a little too much facilitation and comment and not enough mediation, the overall consensus of those attending was that this was a valuable experiment worth repeating.