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# Why Mediation Is Like Going to the Movies

Published on February 18, 2020 [Edit article](#) | [View stats](#)



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For me, motion picture awards season is like cramming for a final. I do my best to catch up on the movies that I missed during the year so that I am a little more in-the-know once the statues are handed out. In going through the drill this year, it dawned on me that going to the movies (or streaming one at home like most of us do in the digital age) is a lot like a mediation. Here's why:

For starters, going to a movie requires a commitment. Whether it be a short film or a 3-hour epic, you have to commit to the process to get the most out of it. The same goes for a mediation. Unfortunately, the parties at mediation often become impatient and frustrated very early in the process. As a result, they want to cut to the chase with an ultimatum before the other side is ready. This can derail a mediation prematurely.

I would analogize this to skipping to the end of a movie right after the opening credits roll. When you do this, you miss the character development and plot twists that make movies so great. Also, the end of the movie makes less sense without the context and buildup that takes place during its course. Like a good movie, a mediation requires time for the parties to tell their stories, digest the other side's point of view and reconcile their emotions.

A mediation is also like having a discussion about how a movie is going to end. Along those lines, the timing of the mediation often dictates the dynamics of the debate. The earlier the

mediation takes place during the life of the dispute, the less information the parties have about the evidence, witnesses, decision makers and other key factors. This makes it more difficult to accurately predict outcomes and evaluate settlement value. Therefore, the earlier the parties decide to go to mediation, the more uncertainty they must be ready to accept when resolving their case.

In this respect, going to mediation is like hitting the pause button in the middle of a movie. The earlier you stop the movie, the more challenging it is to predict the ending. Some movies are predictable, but others are full of twists and turns. The more you watch, the more information you get about the characters and plot lines. Sure, we can try to predict what happens based on our prior experiences, the prior work of the filmmakers and other clues, but beautiful thing about great movies – and the problem with litigation – is that they often have an ending that nobody expected.

To sum it up, movies and mediations share common characteristics. They require time to develop, and those who commit to the journey will usually have the best experience. Just resist the urge to fast forward, and don't forget the popcorn!

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In the aftermath of awards season, I was inspired to write about how going to the movies is a lot like a mediation. The question is, should I serve popcorn at my future mediations?  
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