

ESTABLISH A CLIENT LIBRARY TO EDUCATE AND CREATE VALUE FOR MEDIATION PARTICIPANTS

BY

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Look around your office. Is it built to serve mediation parties and their needs? Or have you designed it primarily for the comfort of you and your staff? It is important to create an environment that makes parties and their lawyers feel welcome and that supports your mediation signature.

GIVE YOURSELF A MEDIATION FRIENDLY OFFICE QUIZ: Yes No

Does my waiting room have educational materials for clients? ___ ___

Do I have a dedicated space for a client library? ___ ___

Have I prepared written instructions and checklists to educate parties to succeed in resolving their conflicts? ___ ___

Do I have a staff training program geared to teach my team to educate and assist mediation participants? ___ ___

Will mediation participants feel welcomed and realize that their comfort and empowerment is the

#1 priority of my peacemaking practice?

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Adapted from Forrest S. Mosten, Unbundling Legal Services, ABA, 2000

If your answers are mostly Yes, you already have the foundation for a mediation-friendly office. Many mediators talk about increasing their business by offering client-driven services, yet try to do so from a mediation-centered office. You have probably walked into those offices, where copies of the *Wall Street Journal* or *Golf Magazine* are on the coffee table. It's true that some clients are golfers, and others want to read about their investments. But let's be honest. In most cases, mediators order the publications that serve their own personal needs, claim the subscriptions as a deductible business expense, and then toss them out in the waiting room for the clients as an afterthought.

Don't get me wrong. Taking care of our own needs is not an indictable offense. However, developing a mediation practice requires commitment, clear strategic planning, and proactive steps to make your practice - and even the office environment - a management and marketing tool. If you want to have your office serve successful home for your peacemaking skills, consider building a client library.

BUILDING YOUR CLIENT LIBRARY

If informed client consent is the bedrock of mediation, clients must have access to sufficient information. If you want to do your own taxes, for example, you have to learn the rules, gather up your receipts and other documents, make some judgment calls in applying the IRS rules and regulations to your facts, and then learn how to prepare and file a tax return by hand or choose and learn to operate a computer program that will do the job.

If that's not easy for you, imagine what it's like for individuals trying to handle their own negotiations in a mediation session! Try walking in their shoes. How does it feel to be in your office? What tools, resources, and space are available to your clients to help them solve their own problems?

The client library is the client's home and learning center within a mediation office. Many offices of lawyers, therapists, and courthouse self-help centers are now installing client libraries as well.

The concept of a client library is simple. It is a dedication of space within your mediation office to house a collection of consumer friendly books, video tapes, audio tapes, brochures, or other client resources. The client library's materials should be easy to read and to access. Ideally, the client library should have chairs and tables (or even just a writing ledge) so that clients can comfortably do their own work there rather than in your office or in the public waiting room.

You might provide computers so clients can draft their own documents or modify their drafts from home, if they bring in a disk. Clients can use computer forms to fill out their paperwork. In child support matters, clients can run the numbers using a statewide guideline child support program in order to educate themselves and realistically prepare for the mediation session. Cutting edge client libraries also provide internet access.

When clients aren't studying, the client library can serve as a breakout room for caucuses or an extra consultation room or inspirational setting for your mediation intern. Even if you do not have an extra office or fancy computer gadgets, you can still set up a client library in your waiting room. All you need to get started are a few books, a couple

of videos, a video player (no recorder needed) and a monitor. Earphones are a nice added feature if the video is in the waiting room.

The very existence of the client library symbolizes that clients rank very high in the priorities of your professional work and that you highly value client empowerment. The client library demonstrates to clients that you are willing to devote expensive office space and purchase significant books and video tapes to provide for their education. And, in addition to providing needed help to clients, the client library is a very cost effective marketing tool. Think like a client. If you were shopping for a mediator, would you choose one who has a client library or one who has no place to sit and no resources to use?

The client library also serves as another waiting room—a learning room. New clients get a sense of the firm and necessary information on their presenting problem. Just by leafing through books on your shelf, returning clients deepen their understanding and perspectives—and may uncover unmet needs and concerns that you can address.

It costs so much in hard dollars to acquire new clients that being able to serve needs beyond the presenting problem helps amortize the high marketing and management costs to operate your practice. Your current client base is your highest profit center; tools such as the client library that help you maximize your current client base cannot be overvalued.

Another use of the client library is to serve as a child-care center. It is ideally better for your clients with dependent children to make arrangements for them outside the office. But we don't live in an ideal world, and sometimes due to cost or logistics, the kids come along in tow. If you have age appropriate videotapes, books, toys, and games

in your client libraries, pop them in. Most kids can be happily amused while their parent(s) do their business with you.

I do not lend books to mediation parties—they must be read on premises. The books and tapes are part of my mediation interventions to resolve conflict and I need to have them when they are needed. In over 15 years of operation, I have never had a book or video stolen. However, successful mediators such as ACR leader Nina Meirding do lend books from their client libraries, and Nina also reports that she has never lost a book or tape. Other mediators actually give away key books and visual aids as intangible benefits to mediation participants.

I could not practice my peacemaking work without a client library. I truly believe that in selecting a mediator, many potential clients select my services because they appreciate the client library and how it supports my work at the mediation table. Perhaps you might think about rounding up the books you already have, allocate some funds to buy additional books or tapes, and by the end of next week create at least a client education corner in your office that is inviting and accessible to the people you serve. As your practice grows, perhaps your client library can grow with it.

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Forrest (Woody) Mosten has been in private mediation practice in Los Angeles since 1979, is a popular presenter at ACR conferences, and trains mediators worldwide. He is credited as the inventor of the client library about which he has written extensively and for which he has been widely recognized, most recently by the recipient of the 2004 ABA Lawyer as Problem Solver Award. This article is an excerpt from the chapter,

“Creating a Mediation Friendly Environment” in Mr. Mosten’s bestselling book, Mediation Career Guide (Jossey-Bass, 2001). Mr. Mosten can be reached at www.MostenMediation.Com.

THE FOLLOWING COULD BE INSERTED IN SIDE BARS OR BOXES AS PRACTICE TIPS

PRACTICE TIP Show Videos to Mediation Participants. Sometimes, parties may watch a video together and may be able to work out a full settlement on their own before the session ever starts. If not, you can use the lessons of the video as interventions in the joint sessions and caucuses.

BEGIN PRACTICE TIP: Accessing the Library. There are two basic ways that your clients can use the client library: self-selected or prescribed by you. Once parked in the client library, many parties browse and self-select material that they want to use. The library’s collection can be in a notebook or accessible by computer. At my office, most clients use the library without much help from me or my Mediation Assistant. That’s the point. You should have clear written or video client instructions so that you do not need to spend additional monies in staff time to explain the library to clients.