

Building Your Mediation Practice: November 2007
Should I Quit My Day Job to Become a Full-Time Mediator?

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Question: *Our two children are just starting college and facing high tuition fees. My passion is mediating and I want to do it full time. My spouse is afraid that we won't be able to pay the bills. What do I do?*

Response: First, congratulations for asking the question and for even considering taking this huge step in building your mediation practice. It takes courage to step out on faith and create something new. In your question, I hear a concern, "Will I be able to support my family?" I also note a tension between your personal desires (your passion for mediation) and your familial obligations (your ability to pay the bills). Just know that you are in good company.

There are two popular pieces of advice I often hear offered in response to your question:

#1. *"Don't quit your day job to start a mediation practice."*

#2. *"You will never be a successful mediator until you quit your day job."*

Though paradoxical, I think there is truth in both.

The experience of most mediators willing to discuss this subject candidly is that they did not instantly begin earning a six figure income when they decided to hang out their mediator shingle. Some have spent years struggling to build a practice that will support them, even modestly. In areas of the country where mediation has not become a household word (i.e., outside of California, Florida and Texas), where the process is still confused with *meditation*, there is simply no way to become an overnight success. I don't know any mediators, aside from retired judges, who complain that they are too busy.

In my home state of Michigan, we did not have true mediation in our state courts until 2001, shortly after I became a mediator for our local Community Dispute Resolution Center. I loved the work so much that I decided to create my own practice, as an adjunct to my law practice. After a year, I canceled my ad in the phone book under the heading of "Mediation," because nobody was calling me. Next went the ad under the heading of "Divorce Attorneys" which touted mediation as an alternative to litigation. It generated a few calls, but nearly all were from people wanting to hire me to file an uncontested divorce for them. (I am not a divorce attorney.)

So unless the fates smile upon you and you happen to mediate a case which makes you a star overnight or you happen to pick up a national contract for mediation services, it takes years to build a reputation as a mediator. I must confess, although I discovered that mediation is my passion and my calling in 2000, I have not quit my day job -- yet.

So what about the second aphorism? Could I be more successful if I had more time (and the hunger) to develop my mediation practice by making presentations to law departments and taking local attorneys to lunch? Possibly, but there will always be those attorneys who, during our meeting, will promise to hire me to mediate their very next case, but will hire the mediator they always use when the time comes. Why? Because they know and trust the mediator to do a good job for them. Frankly, as I mediate more and more cases for more and more attorneys, I like that kind of loyalty. So my advice is that unless you have other financial resources to allow you to lose money for at least the first two years, do not quit your day job. But don't take my word for it.

Woody Mosten, one of my mentors and a dear friend, suggests being strategic in framing such decisions around one's underlying values, goals and personality strengths. First, in a quiet time of reflection, meditation or prayer, look inside to see if you have the answer to your own question. Next, consider using one of the tools Woody suggests; create your own personal "Board of Directors" or "Board of Advisors" - a collection of colleagues, friends, and family members who can advise you on major issues concerning your career and practice development. This is the type of decision that you might wish to share with them.

Once you have talked with your family, Board of Directors, and looked inside to determine which choice "feels" better, the next step would be to create a business plan. While creating a business plan is beyond the scope of this article, there are many sources of information on business plans available on the Web and in bookstores. Such a plan serves as a reality check and requires you to crunch the numbers to see whether the move is viable. Next, take your business plan to a friendly banker and ask them to critique it for you.

Whatever you decide, know that there are hundreds of mediators asking the same question and hoping you will succeed. As I like to say, "A rising tide lifts all boats." As more and more people enjoy successful mediation experiences, awareness of the process will build so that it becomes a household word and the sooner I will be able to quit my day job!