Rehearsing in poetry, but practising in prose - the anatomy of a manly mediation

Geoff Sharp
As arranged, the cast gathered at 9.30am for yesterday’s production in the sort of law offices where, if you want a coffee, you need to say whether it’s a latte, macchiato, cappuccino or espresso with soy/trim/creamer...

The wardrobe department had done a good job;

> the man in the thousand acre tweed jacket representing the syndicate of horse owners was there;

> as was the trainer in a cloth cap who had engaged the transport;

> the driver of the horse truck and his boss turned up;

> the roading contractor and his clerk of works in steel cap boots were rehearsing their lines;

> horse valuers and equine veterinarians of all persuasions gathered;

> and the repeat players - the insurers, the lawyers and of course the mediator made up the chorus...

...all sitting 26 floors above the streets of the city on a blustery day as an unseasonal old man southerly rolled in off the Tasman Sea.

Someone volunteered to paint an admirably neutral picture of an old, but well kept, horse truck coming around a bend in the road on a wet day, packed full of pure racing machines on their way to the track.

As it came upon the resealing works at Coultree Bend it ran out of hard road and skidded on the mud left by the diggers loading clay spoil into 18 wheel earth movers. The truck careened ("proceeded in a southeast direction") into a nearby culvert on the lefthand side, known in plaintiffs’ accident report as ‘culvert 3’.

That much was not in dispute and an elegant line drawing of the crash site on the whiteboard got a general nod of approval from the cast.

So far, so good. But...

> the extent of mud on the road;

> it’s exact location;
whether someone had tried to tidy it up before the law arrived; and

who did what about the horses trapped screaming as they kicked themselves to death in the back of the prone truck...

...were all matters to be picked over during the day and which would go on to generate a lot of heat in the room as the drama wore on.

This was an earthy mediation... almost no one came with pen or paper.

My own experience of teaching mediators is that we rehearse in poetry, but we practise in prose - it's not all linear and purposeful, with openings/issue identification/joint, caucus and negotiation phases/agreement/close....it's more, well... messy I guess.

Yesterday was all loud and confused with lots of talking over each other and out of turn, most of the time finishing others' sentences to give them a meaning that was not intended.

As if they couldn't bear to hear what was.

Wonderfully colourful language from the track and an over optimistic sense of belonging to a community of horsemen that 'buy and sell million dollar animals on a handshake'.

Lots of the obligatory words like 'vigorous defence, credible witness, robust, without merit' came out.

You know? It's not poetry. What it's really all about is;

> inappropriate horse jokes at the expense of wives back on the farm

> garlic pizza arriving at the wrong time, just as we get to the money shot around 10pm

> forgetting what it must have been like in the last moments of life in that overturned truck and talking about $$ instead;

> big men with working hands tugging at ill fitting collars;

> stressed, hard working parties throwing off at 'this bullshit with bloodsucking lawyers who don't know the arse end of a horse from their own elbow...' even though the bloodsuckers paid for the pizza;

> flatulence following the pizza;

> body odour when the after-hours air con does not kick in;

> men knowing they have a 4 hour drive back home and a 5am start at the track...

Posted by Geoff Sharp