



Sharon with twins Rowan (left) and Darsey (right). Cailean is doing a “scorpion point.”

Sharon Sutherland: **Quintessential Cheerleader** *for* **Mediation!**

Sharon Sutherland was born in Kelowna, BC. When her father Ross Sutherland was appointed to the Provincial Court bench, her family moved to Tsawwassen.

Her impressive education includes a BA in English at UBC, Master of Arts in Drama and Theatre Studies from Royal Holloway and Bedford New College at the University of London, LL.B. from University of British Columbia, and LL.M. in Alternative Dispute Resolution from Osgoode Hall Law School at York University.

She met her spouse Mark Meredith in Toronto—he’s a lawyer, too—and the couple has three pre-teen girls: Rowan, Darsey, and Cailean. Sharon’s two younger siblings and their spouses live in Tsawwassen, as do her parents. In fact, the entire extended family—including seven grandchildren—lives in Tsawwassen!

The Scrivener: Sharon, what was your first job?

Sharon: Aside from babysitting, my first paid job was as a trampoline instructor at age 12 for a Parks and Recreation program. A very small sample of the multitude of my “exciting” early career experiences includes cleaning the staff lounge at my junior secondary school every day after class—and getting to hear all the teacher gossip; library page; camp director; highways department crew; and law firm receptionist/switchboard operator.

The Scrivener: Why did you choose to pursue a career in the law?

Sharon: I decided I wanted to be a lawyer in grade 2 when I spent a “PD” day in court with my dad. After that, it was common for me to spend many professional development days at courthouses around the Lower Mainland. My dad always involved me—and my siblings, if they came along—in working through the decision-making process of judging the cases before him; I was intrigued by the task of translating human problems presented by litigants in provincial court—often unrepresented—into “just” and “legal” results.

My father actually discouraged me from practising law, while encouraging me to go to law school. His experience at law school and in early practice was that women were treated poorly in the profession; he was not keen to see his own daughter experience many of the challenges of gender bias he had observed. Nonetheless, he had no hesitation in encouraging me to take legal training because of the lifeskills and opportunities offered by a legal background. By the time I went to law school, though, his concerns were relieved at least somewhat: significant changes in the way women were treated by the profession were starting to take place. The culture of the legal profession was beginning—albeit slowly—to welcome female professionals.

By that time, I had decided I thoroughly enjoyed the law and litigation practice, in particular. Many litigators

still assume automatically that I entered into mediation because I found litigation distasteful or too aggressive. Although a large number of lawyers have begun to embrace the opportunities of mediation and other forms of dispute resolution for their clients, some lawyers view mediation as a “soft” or “touchy feely” choice for those “weak” members of the profession who can’t handle the rigours of litigation.

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I hear this less often these days, but continue to be surprised by the perception that I must have chosen mediation to avoid litigation. In fact, I enjoyed litigation, but found my clients didn’t usually enjoy it as much as I did.

The Scrivener: Did you have a mentor? Are you a mentor?

Sharon: My father was a role model and mentor to me through my earliest years in law. I was also extremely fortunate to article and practise at a small Toronto firm with outstanding lawyers who provided solid mentorship. I learned a great deal from all the civil litigators at the firm: Jerry Birenbaum, Bernie Koffman, Craig Colrairie, and Nicola Savin. The firm supported individual growth and development; the senior people were always available and willing to answer questions and guide new lawyers.

I suppose having the benefit of good mentors has given me a model to follow. Now, I act as a mentor, both formally—mentoring student mediators in court-based mediations and through the CoRe Clinic—and informally—at the law school and elsewhere. Informally, I try to be as available as possible to answer questions about any aspect of the work of mediating. I have ongoing close mentoring relationships with some former students and offer learning

opportunities, for example, coaching, co-mediating, presenting at conferences, etc., to the greatest possible number of people developing their own practices.

I especially seek to encourage new mediators who are committed to the field and who are willing and able to commit the time to build their practices. I stay in touch with a large number of my former students; I am thrilled to hear about their successes and happy to act as a resource to them as they look for the “right fit” in their own careers.

The Scrivener: When and why did you focus your career on mediation?

Sharon: You could say that timing conspired to bring me to the practice of mediation. I was called to the Bar in Ontario just at the time the first mandatory mediation project was being launched there, so mediation was an open field with evident potential. As well, I gave birth to twins that same year, which made the practice of civil litigation a rather challenging idea that led me to consider alternatives. Then Osgoode Hall announced the first class of an LL.M. program in ADR, which offered me the opportunity to develop expertise in this new area while working only part-time.

While at Osgoode, I had the good fortune to work with two very dynamic fellow students in similar situations: we each gave birth to our second or third children during the two years of the program. At one point, collectively we had eight children under the age of 3! I worked with these two women—Anthea Pascaris and Myra Hewitt—on a joint LL.M. practicum in which we developed and ran a pilot mediation program in the Toronto Small Claims Court. I found the experience challenging and highly satisfying and decided to pursue court-based mediation when I moved back to BC in 1997.

There is no doubt the enjoyment of working with two such excellent colleagues was a wonderful introduction to work in this field, as well as showing me the benefits of collaborative work experiences.

The Scrivener: Please tell us about your work with mediation.

Sharon: I am involved in a number of different courses in the mediation field: three practicum programs through the BC Dispute Resolution Practicum Society; a fourth practicum for law students at UBC; clinical training through the CoRe Conflict Resolution Clinic; and I am the trainer for The Society of Notaries Public of BC mediation course.

As a director of the BC Dispute Resolution Practicum Society (DRPS), I participate to varying degrees in the three practicum programs of The Society of Notaries Public. At the moment, the majority of my attention is focused on the development of a new practicum in Child Protection mediation. It is in the design phase; I am excited by the opportunities it will offer to mediators outside the Lower Mainland and in Southern Vancouver Island.

The practicum is intended to build capacity for mediation in areas where there are currently no child protection mediators. I hope to remain very actively involved in the development of this project as it expands throughout the province.

I have been involved in the Court Mediation Practicum (CMP) since its earliest days. The program continues to provide an exceptional opportunity for new mediators to gain skills and experience in a practicum model widely recognized as outstanding and unique. The mentors bring amazing experience to their role.

There is no doubt that this program has been an essential element in the development of mediation in BC. Without this high-quality experiential training, we simply would not have the number of highly skilled and experienced mediators in this province necessary to advance collaborative dispute resolution projects. After all, more than half the nearly 200 mediators currently on the Civil Mediator Roster got their start in the CMP.

A further project of the DRPS that deserves mention is the Family Mediation Practicum Project, which provides family mediation experience under skilled mentorship. Operating from New Westminster, this project has proven highly successful and popular with its students, many of whom seek opportunities for further participation after completing the practicum.

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The program I teach for UBC law students is now in its sixth year. Approximately 24 students each year participate in an intensive month-long training program that prepares them to participate in real mediations in the CMP. Students then have the opportunity to gain practical experience in four mediations.

Students who participate in the UBC mediation practicum have the opportunity to join the CoRe Clinic mediator roster and to volunteer time as mediators in mentored mediations. I helped found this organization with two law students who participated in the very first class at UBC—Peter Eastwood and Philip Di Tomaso—who saw both the potential for further mediation training to enhance the education of fellow law students and the need for low-cost mediation services to make this dispute resolution model accessible to members of the community who could not otherwise access these services.

I am very proud of the work CoRe does, especially of the ongoing leadership of former students like Peter, Phil, David Yule, and Michael Boulet, who all donate their time to manage CoRe. Today, CoRe depends on the volunteer time of student clinicians, who provide information to the public about mediation and who

schedule mediations, and highly skilled mediators, who volunteer their time to serve as mentors and clinical advisors. The result is greatly enhanced access to mediated resolutions in cases ranging from dog-bite disputes to small business dissolutions to simple family matters.

I also teach the Notaries Training Course in Mediation, a wonderful experience for me every year. That course also qualifies as the needed training to participate in the CMP. The focus is not simply to prepare students for that purpose, but to introduce skills that can be used much more broadly in notarial practice. Several graduates of that course are featured in this edition. I love teaching that course!

The Scrivener: What do you like best about your work?

Sharon: Right now, the bulk of my mediation practice involves service as a child protection mediator. Although I was hesitant at first, I have found mediating in this challenging area especially satisfying. As a result, my work in developing training opportunities for new mediators in this field is most exciting and challenging. The potential positive impact of a shift to more collaborative approaches with better outcomes for both children and families is enormous.

The Scrivener: What is your greatest career achievement to date?

Sharon: On the practice side, my focus tends to be on each individual mediation in which I am involved; I measure my achievements in positive outcomes for parties to individual mediations. In the profession generally, I see a series of positive results as programs or approaches in which I have had a hand become vital parts of a maturing dispute-resolution environment in BC. Finally, on the teaching side, I really recognize success when I see my former students succeeding after law school, in whatever avenues they choose to pursue.

The Scrivener: Do you have time for community service?

Sharon: My biggest community commitment is serving on the Board of CoRe Conflict Resolution Clinic. I act as a mentor and supervisor to student clinicians who volunteer their time to offer this service to the community. I'm very involved in fundraising to support this organization and am one of the organizers and the host of the annual CoRe Challenge—a *Survivor*-esque competition for members of the dispute resolution community.

As I've mentioned, I'm also a member of the Board of Directors of the BC Dispute Resolution Practicum Society. I previously served on the Board of the BC Arbitration and Mediation Institute.

I coach girls' field hockey in Tsawwassen and earlier this year was playing field hockey myself for a team with a name that really says it all about my current level of skill—the Fossils. These days I'm also a big spectator; while I don't wear the "cheer mom" hoodies or "soccer mom" sweatshirts, I spend most weekends at cheer competitions and/or soccer games and/or trampoline competitions. Add in the school plays and community theatre and my time is fully occupied just cheering!

The Scrivener: What are your special interests?

Sharon: I spend as much time as possible with my family. I enjoy coaching my daughters in their varied endeavours in sports and theatre and just spending family time.

My husband Mark and I have allowed some of our pre-children interests to lapse . . . or perhaps lie dormant . . . during the girls' early years, but as the girls get a bit older, we're starting to see the possibility of a bit more play. Lately, we're enjoying time at our new vacation property and planning massive and no doubt endless renovations.

We have two dogs: Kisa, a red Australian cattle dog, and Zaqi, an American Eskimo dog.

The Scrivener: What do you see for your profession in future?

Sharon: It is apparent from the breadth of articles in this edition that mediation is a rapidly expanding field. This expansion will only continue as more and more uses for the skill sets are found, whether in formal mediation settings or informal client meetings and negotiations.

The Scrivener: What is most important to you in life?

Sharon: Family! ▲

Contact Information for Programs Mentioned in the Interview

BC Dispute Resolution Practicum Society

Contact: Kari Boyle
Executive Director
Voice: 604 838-2149
kari.boyle@shaw.ca

Court Mediation Practicum Program

Contact: Angela Mallard
Director of Administration
Voice: 604 684-1300
amallard@courtmediation.com
www.courtmediation.com

Family Mediation Practicum Project

Contact: Carole McKnight
Project Director
Voice: 604 516-0788
cmcknight@telus.net
<http://www.courtmediation.com/family.php>

Child Protection Mediation Practicum Project

Contact: Sharon Sutherland
Voice: 604 948-9337
sutherland@dccnet.com

CoRe Conflict Resolution Society

Contact: CoRe Clinic
Voice: 604 827-5027
coreclinic@hotmail.com
<http://www.coreclinic.ca/>

Sharon's Short List of Recommended Reading on Mediation and Related Topics

Practical Guides

Beer, Jennifer E. *The Mediator's Handbook*, 3rd ed. Gabriola Island, BC: New Society Publishers, 1997. (The text used for The Society of Notaries Public mediation training course)

Picard, Cheryl A. *Mediating Interpersonal and Small Group Conflict*, 2nd ed. Ottawa, ON: The Golden Dog Press, 2002.

The "Classic" Texts

Baruch Bush, Robert A. and Joseph Folger. *The Promise of Mediation: The Transformative Approach to Conflict Resolution*, 2nd ed. San Francisco, CA: Jossey-Bass, 2004.

Moore, Christopher W. *The Mediation Process*, 3rd ed. San Francisco, CA: Jossey-Bass, 2003.

Other Personal (Eclectic) Favourites

Cameron, Nancy J. *Collaborative Practice: Deepening the Dialogue*. Vancouver, BC: Continuing Legal Education Society of British Columbia, 2004.

Cronin, Doreen. *Click, Clack, Moo: Cows That Type*. Simon & Schuster Children's Publishing, 2000. (A great picture book of labour negotiations!)

Harper, Gary. *The Joy of Conflict Resolution: Transforming Victims, Villains & Heroes in the Workplace and at Home*. Gabriola Island, BC: New Society Publishers, 2004.

Mayer, Bernard. *Beyond Neutrality: Confronting the Crisis in Conflict Resolution*. San Francisco, CA: Jossey-Bass, 2004.

Noll, Douglas. *Peacemaking: Practicing at the Intersection of Law and Human Conflict*. Telford, PA: Cascadia Publishing House, 2003.

VanSant, Sondra S. *Wired for Conflict: The role of personality in resolving differences*. Gainesville, FL: Centre for Applications of Psychological Type, Inc., 2003.