

Mediating Conflicts with Compassion and Civility (Feat. Winter Wheeler)

Corey Andrew Powell: (00:02)

After nearly 20 years as a litigator, including a position as senior attorney at a prominent Atlanta law firm, attorney Winter Wheeler left litigation to pursue her passion for mediation. Winter joins me today to discuss a range of topics, including the importance of resolving disputes with civility and compassion. I'm Corey Andrew Powell, your host. And this is Motivational Mondays. I am really, really looking forward to this conversation. I'm joined by Winter Wheeler, who is a professional mediator, but with a 20 year career of litigation. So before we get into all that, I want to just say welcome Winter to Motivational Mondays.

Winter Wheeler: (00:43)

Thank you. I am really happy to be here. Thank you for inviting me.

Corey Andrew Powell: (00:47)

Well, it's our pleasure and what's great about this is this podcast allows us to really let young college age students and also people who have graduated, who may be considering other professions - They can also learn about other careers. And so with that said, you've done two popular TedTalks. Now you've done the one, which was the "Mastering, the art of the uncomfortable conversation," which, I mean, I think we all can benefit from that one. And then you did the most recent one, which was really compelling and emotional, actually to watch "Confessions of a mom who has it all." And I will reference them both throughout this conversation, but on your 20 years as a litigator, which includes being a senior attorney at a prominent Atlanta law firm, you left litigation to pursue your passion for mediation. So, what I'd like to know is if you can share what are the differences between those two professions and do you have to have a law degree to be a mediator?

Winter Wheeler: (01:36)

Wow. Okay. That's a good question.

Corey Andrew Powell: (01:39)

I came prepared.

Winter Wheeler: (01:42)

So I was actually a litigator for 14 years before I went full-time as an exclusive mediator and arbitrator. You do not have to be a litigator on an attorney before you go into mediation. I knew my first year out of law school back in 2006, 2007. Ooh, Lord. It sounds so crazy to say that now, but I knew back then that the type of mediator that I wanted to be, the empire empire, I used the word empire, the empire I want to build for myself and the legacy that I want to leave for my children and for women and for women and men who look like me —I knew I wanted to be in a position to hit the ground running and to very quickly climb to the top. I wanted to have that respect. I wanted to have that gravitas, and I knew that I needed to do that with years and years of litigation experience behind me.

Winter Wheeler: (02:55)

So yes, you can do it without the litigation experience. It is significantly harder. It is significantly harder to book clients and it is damn near impossible to book high paying clients. Okay? So those are things I try to tell people, and it's hard because I never want to discourage someone from following their dream, but I also don't want to lie to anybody. That high dollar client that you want, that high dollar attorney. He's not going to want to pay you a lot. If he's got to teach you the law. Yes, yes. He's not going to want to do it. You could be the best mediator ever because you don't need to know the law to be a good mediator. But a lot of people don't understand that and they don't believe it, even if you tell them. So that's really why I did it for as long as I did.

Winter Wheeler: (03:55)

And I have to say, I really enjoyed being a litigator. I loved it. It's like putting puzzle pieces together. It's solving problems. It's helping people to a good extent. And it used a lot of my skill set, but in a very different capacity. And so when you look at your life and what you can afford to do, because law school is expensive and what you ultimately want to achieve, you have to balance those things for yourself. I can't tell you, yeah, go to law school and spend \$300,000 or take out all those loans. I can't tell you, but you have to decide if that's what you want to do, where do you want to be? Where do you want to be? Where do you see yourself? You know, you need to put your energy in on the front end and decide what you can handle and what you want at the end of the day.

Corey Andrew Powell: (04:59)

Well, the idea of mediation in general, I mean, we do that in our lives, right? Sometimes there's two parties. And even in our families, you might have two aunts who are not getting along. And you know, there's a lot of these things that we sort of, um, on a day-to-day basis do. And that's why I was really intrigued by the way, I would imagine you're mastering the art of uncomfortable conversation - Talk, about how that relates to the things you apply in your mediation practice are actually things we also bring to our everyday life for better interaction with each other. So explain a little bit about your perspective on that.

Winter Wheeler: (05:35)

Talk about how I've used it with my family, with my children. And especially it's a way of communicating and the technique that I use, which is the four cornerstones of mediation. It really focuses on communication and cultural distinctions between people and empathy and how we approach the individual. And if you can approach an individual and understand the lens with which they view life, taking yourself out of the equation for a little bit, you can have a much better conversation and not argue with them. Step away from how you see it and how you feel about it and understand how they're seeing it and adjust your communication accordingly. And not saying that you can't have feelings about it, but when you want to get your point across, you can't say the same thing five times and think they're going to hear it. They haven't heard you

any of those times change the way that you are approaching it, say it in a way that they can understand.

Winter Wheeler: (06:54)

And you know, that's really what I do on a daily basis. And sometimes I joke, I joke, joke, right? In quotation marks. And I say, I'm a translator, I'm an interpreter. But sometimes that's really what I'm doing because folks are talking past each other. They may not even be saying something that's different from the other person. They're just not hearing each other because they're using different words and we find common ground and we come together and we make sure everybody has what they need. If you have what you need, we can make it feel like it's what you want. And then if everybody has what they want or something that they want, they feel like they've won that day and everybody can move on.

Corey Andrew Powell: (07:37)

It's like, they've been heard, they've been listened to too. One of the things that we all learn in communications classes and speaking, even, you know, doing podcasts, the art is actually not the speaking. It's the listening. So you can have a thoughtful response. And just now when you were talking to, it reminded me of a pitfall that I had often and I had to work on, which is getting mad at someone because they didn't respond to a situation the way I would have. Well, if I were them, I would, uh, I would have, well, you know what? You have a whole other lens in which you view that situation. So that's completely irrelevant to what you would have done in that situation.

Winter Wheeler: (08:12)

Right? You know what? I love that you said that because one of my favorite quotes, I, I don't remember where it came from. It could have been a meme I saw on Facebook, stop expecting yourself from other people. And when you can really believe that when you can digest it, when you can live, it, it is so freeing. Stop expecting yourself from other people because they're not you. They don't have your experience. They don't have your life. They cannot be. You give of yourself because you want to. Be because that's who you are. Be yourself without expecting anything in return. Give and give and give because it will come back to you. Maybe not from that person, maybe not today, not tomorrow, but give, because it puts a good karma into the world for you. But don't ever expect anyone. You come into contact with to behave the way that you would behave in any situation. Just don't expect it.

Winter Wheeler: (09:30)

And when you let go of that expectation, you have let go of so many burdens you have put on yourself. You have released yourself of so much pain that you didn't even know you were putting yourself through. Because we go through life thinking, but I was so kind to them and I did this for them. And I did that for them. Well, you did. And that was great, but they're not you. And they don't respond that way. And they can't feel the way you feel. And you don't know what they're going through every day. Maybe they don't have the emotional intelligence and capacity to give

what you've given. Maybe they're going through something in their life where they have nothing emotionally to give to you. So don't expect it when we give, we give freely.

Corey Andrew Powell: (10:33)

Yes, your intention has to be there for the purpose of giving, not to just receive something in return, which is always a recipe for disaster, for sure. And that moves me right into my next question for you, which is another pillar. If you will, your success is when you say you attribute your success to this idea of meeting people where they live. Right? And you mentioned the analogy of being a translator. And so you have to go forward with empathy, as you said, but the idea of getting two people in a room, or I mean a figurative room, but two people battling out over maybe domestic issues, which could include property, children, parenting, you know, visitation rights. I mean some really, really heavy stuff, but how do you go and convince potential clients of like, I need you to abandon the vitriol. I need you to not go into this with hate because we have to kind of resolve it and make sure you both walk away happy. How do you get people to commit to that? Because it's not easy for the human experience to subside in those moments?

Winter Wheeler: (11:36)

Well, the first thing I do is decide that I'm not there to convince them of anything. I'm there to listen and help them get the emotion out. So they convince themselves. Because what any human being has to decide is that they know what's best for themselves. And that when I make this decision, I'm doing it because it's what's best for me. I'm doing it because it's best for my family. I'm not doing it because this woman told me I should do it. Because I can be the most famous mediator in the whole world. I can't tell you what to do for your family. I don't know you. I don't know your family. I'm not going home with you at the end of the day. I don't have to live with the decisions that anybody makes. I can give you information based on my experiences, but I can't tell you anything about your life.

Winter Wheeler: (12:33)

So what I have to do is come out of this, this place where a lot of mediators are, which is you need to do this because I've seen this so many times, and this is the way that this is going to go because a judge is going to say, [inaudible] no, I say, I want you to tell me why it is that you want this. What is it about this that you need? What do you think this looks like in your real life? I understand that you want full custody of your children, but you also told me you work from 8:00 AM to 8:00 PM. How are you going to pick your kids up? So yeah, you have the money to send a service to pick them up, but do you think it might be better for them because they love their mom, even though you, you don't anymore, what would it be better for them to have their mom pick them up? Because she can? Let's talk about that. What does that look like? Let's stop operating out of spite. And then of course, ultimately a judge typically is just going to decide right down the middle. If you can't make an agreement,

Corey Andrew Powell: (13:40)

Because you'll want to maintain the ability to have some participation in that decision before a judge, just goes, look, y'all are too messy. So here's what's going to happen, right?

Winter Wheeler: (13:48)

Because the judge doesn't want to hear, well, I don't like her and that no, he will catch you off.

Corey Andrew Powell: (13:56)

Yeah. Wow. In your profession, in general, moving through your time as an attorney and now a mediator, I am curious to know of about another topic that sort of plays into your Ted talk that was about women and motherhood and specifically, and the pressures that are there being like a high functioning professional, who's balancing a family and business and your case. I believe it's three businesses and four children, right? For all of that going on, you know, it brings me to this conversation about that Ted talk, which was confessions of a mom who has it all. And I love the premise of it that you share and not just tap on it lightly, you were booked to do a talk about sort of women who have it all, who can balance it all in like the super woman, so to speak. And the interviewer asks you something like, how's your day going so far? How's your day been? And in that moment, you know, you're, they had not been that terrific. And your response, like use that tears welled up in your eyes and you were like, sort of like having an emotional moment to that response. So tell me about that moment and how that was the catalyst for what this Ted talk became, which is a really popular Ted talk, lots of comments and poignant. So how'd that come about?

Winter Wheeler: (15:08)

So I have always wanted to do a Ted or a TEDx talk. And so I started applying, wanting to talk about mediation. So I ended up getting one for mediation and anybody who's ever applied for a bunch of TEDx talks, you send out a lot of them, you send out a bunch of applications. And so I sent out the same application to a lot of them and got two hits on like 16 applications, which is like, unheard of. It's amazing. So when the second one came in, I was like, wait a minute, I've already done the mediation talk. I don't know what to do. And we were getting closer to the date of like, you have to deliver this talk. And I didn't have one.

Winter Wheeler: (16:00)

My husband made me very, very angry. I can't remember what he did. He mean very angry. And at that point, the talk wrote itself. Okay. And it was something that I had been dealing with for as long as we've had, I want to say three children. My husband was pretty good until we had three children. And at that point he can't keep up. Now that's a lot of children. Right. But he knew we were having these children. None. None of them were. I take that back. One of them was a surprise, but it was the last one that was a surprise. To the extent that children can be a surprise because we all know all, we all know how children get here. Right? So that's when things got really crazy for me. And of course, that's also at a time in my life where my career is taking off because I had been working for so long and my husband was doing very well.

Winter Wheeler: (16:58)

The longer you work, you know, these things happen. And I wrote this talk about the day that I'd had, you know, when I was giving that speech and how it had just, it was just this snapshot into my life that day. And I presented it to the organizer of that TEDx event. He was silent the entire

time I spoke, which is very, very rare for TEDx organizer. And so I looked up at him and I would say, so what do you think? And he was like, oh my God, I love that. It's perfect. Like, don't change it. And I went through this process of trying to prepare for the talk. And it's a lot of rehearsal. Like your entire life is on hold because you're trying to memorize a speech. I'm not an actress. So I'm trying to give, you know, proper cadence and work a stage.

Winter Wheeler: (17:59)

And I mean, it takes over absolutely everything. And I couldn't get through rehearsals without crying. And I got down to the city, the venue was in and I called my coach and I said, I don't think I can do this. I can't deliver this speech without crying. I can't do it. I'm just going to back out. And she said, you've come way too far to back out. You can't do that. And she said, if you start to cry, take a breath and use that to remind yourself of why you're there, why you wrote this speech and the years that have gotten you to the point where you have to cry to deliver the speech. And that's what I did. And the audience was amazing. They were nodding and clapping and crying themselves. And it gave me a lot of hope and a lot of power to continue on while I was giving my speech because damn it. I did cry.

Corey Andrew Powell: (19:13)

Yeah. It was a well-deserved and well earned cry because you know, the subject matter was, and we talked about this briefly, before we began recording, the subject matter was about the strength that women are expected to maintain while also taking care of everyone else around them. While also not being a burden to whatever employer they may be employed by with whatever women's issues could arise, like being a mom. Right? And while you're worried about everybody else in that situation, as, as high functioning mother businesswoman, making sure everybody else is okay, no, one's really saying to you, are you okay? Like I got your back, right? Like how can I have your back and make sure that you're okay? And in that moment, I think it's a matter of you identifying with how so many other women feel and felt. And that's what I see in the comments section on that YouTube video. They're all like, yeah, girl. Yup. We're not super woman. We can't do it all. You know? And I found that fascinating because you sort of found your tribe in a way with all these women. They're like, yeah, what's up with that. We need help. And we need not to have to ask for it. You should be able to see, we need it.

Winter Wheeler: (20:33)

Exactly. You know? And I check those comments every week, maybe. And most recently I saw one that said, and I'm paraphrasing. It was, I don't understand why women can't just say what they want or for what they want. So I'm like, sir, did you actually listen to the talk?

Corey Andrew Powell: (20:58)

I mean for real, really...

Winter Wheeler: (20:59)

Like, don't mansplain that to me, you've completely missed the issue. Don't blame women for their partners shortcomings. I cannot explain to you why my husband has these shortcomings,

but I tell you what, the shortcomings are his. They are not mine. They are not mine. Do not blame me for marrying my husband. Right? I love him. Period, point blank, period. I love him. And when I married him, we did not have four children. So how in God's name would I know that he is not good at taking care of four children, four small children. The oldest of which is 10, the youngest is three.

Corey Andrew Powell: (21:55)

And you know, that brings up another great point too. I love how we kind of segue. So I watched a conversation between you and Jamie sizzle. And I was intrigued by this article. You guys referenced written by Susan Smith Blakely. And it was published in the American bar association, ABA, as you call it. And it was a shocking article to me. But you know, when you guys were talking about it, I was like, well, let me go read it myself and see if it's really that bad. And I got to be honest. I got to like the second paragraph. My jaw dropped because she's a woman. She is a woman who is older and she's an attorney for many years, but she seemingly joined the choruses of blaming the woman in the workplace for wanting to be a mom. And it's her fault. You know, she even says, having kids is the fastest way to derail your career. And I was really stunned.

Winter Wheeler: (22:46)

You know, the, the patriarchy is strong. The patriarchy is strong. The misogyny comes from inside the house.

Corey Andrew Powell: (22:56)

I mean ... a woman

Winter Wheeler: (22:57)

A lot of women, older women, especially ascribe to, we need to be like the men to make headway in this industry. When I want to say gen X, millennials like myself, and I know Gen Z isn't about to put up with this mess. The system was not designed for us. We need to change the system. We do not need to mold to the system. This country is changing. The systems have to change, to match the people who live in it. So for me, and it was exceptionally hard for me because I love the American bar association. I am heavily involved in the work that they do. I'm in so many committees. I'm a council member for the dispute resolution section, which is a three year assignment so that we can really put time and effort and interest into how we shape the future of what the dispute resolution section looks like.

Winter Wheeler: (24:09)

And for the ABA journal to have put that out there.

Corey Andrew Powell: (24:16)

Yea, because they didn't have to publish it, right?

Winter Wheeler: (24:18)

They did not have to, they did not have to publish it. We are a group of volunteers. We have some employees, of course, but we are attorney led. We are attorney driven. We have control over what goes out. And I think something like that, having gone out in the main ABA journal, because we all have different publications, right? It's horrifying. It did not have to go out. You know, I've, I've been in charge of editing a journal before or not the ABA journal, but a journal affiliated with the ABA. And I never, ever would have let that go through. We cannot afford to perpetuate these stereotypes. We need to uplift women. We are in a prime position right now where women like me, we saw the women who came before us struggle with maternity leaves and four week maternity leaves.

Winter Wheeler: (25:27)

And I, myself, I had an unpaid maternity leave where I spent eight weeks with my son, which was, you know, frankly good because I had a job to go back to. And then I had one where it was fully paid and it was 12 weeks. And then I had another one that was unpaid, but it was 12 weeks. And I had a job to go back to. And then I had another one that was 16 weeks, 12 of which were paid. And I had a job to go back to, but they were still all too short. It was not good. And going into each one, my workload decreased, I received lesser assignments and it was assumed I wasn't coming back. And I mean into my fourth pregnancy, what about this made them think I'm worth it coming back? I am a career woman. I also am a mommy. I can do both. We need to have support systems in place for women like me. There are more women like me than I think not. And if we had the supporting plates, you would see that.

Corey Andrew Powell: (26:54)

Thank you for listening to motivational Mondays presented by the national society of leadership and success and available wherever you listen to your favorite podcasts. I'm Corey Andrew Powell. And I'll see you again here next week.