
Kluwer Mediation Blog

Few Words to the Newcomers

Andrea Maia (Mediar360 – Dispute Resolution) · Monday, November 26th, 2012

In mediation training and experience are key words that path the way to success. Good mediators must learn to be conscious of their own emotions and to be aware of the emotional reactions of mediation participants to intervene effectively in a conflict.

When starting a mediation career one could believe that access to training and education would be enough. A young mediator could gain the necessary knowledge by, for instance, following a few simple steps:

- Take a mediation course and get acquainted with the theory, the process, techniques and difficulties;
- Read a list of the basic literature, including *Getting to Yes* by Roger Fisher & William Ury and *Difficult Conversations* by Douglas Stone, Bruce Patton, and Sheila Heen, to have contact with the language, jargons and cases;
- Attend the most important conferences to be aware of the new findings in the profession;
- Make a self – evaluation of goals and skills.

Gaining access to training is a relatively easy step. Accumulating experience, however, has been proven to be challenging. Acquiring experience and confidence through demonstrations, role plays, and mediating as a volunteer under the supervision of more experienced professionals are probably the best ways to get started.

Research conducted by LORI S. SCHREIER in 2002 indicated that, in general, mediation trainers rated, in most mediations, emotions higher in importance than substantive issues.

According to this same survey, “Close to half of the respondents, including two-thirds of those with the most experience, thought that mediation training does not sufficiently teach how to address the parties’ emotional reactions.”

Moots are also a good way to give opportunity to the newcomers to advance their skills of thinking strategically, working under pressure, and handling the emotional reactions of the parties, while gaining access to more experienced professionals. It provides the opportunity to experience mediation and mediation representation in a safe environment and to test the inexperienced mediators’ skill set. In the moots, making mistakes in mediation has no practical consequences,

and, therefore, constitutes a learning opportunity.

It can also be instrumental in the building of strong professional networks that may yield not only more knowledge and experience, but also referrals and professional contacts.

In short, moots represent a unique opportunity for students to profit from the experiences of professional mediators, and, therefore, address two of the main challenges in the mediation profession: training and experience.

I was recently selected to participate in the mediation moot at the Mediation Week from the International Chamber of Commerce next year in Paris.

The Competition is the world's only moot dedicated exclusively to international commercial mediation and gathers teams from business and law schools, as well as renowned mediators and professionals from around the world. 66 universities with teams from 32 countries and 96 Professionals from 24 countries will be represented.

This is the first time I attend this competition and I am excited about the opportunity to be able to meet and interact with other mediation practitioners, and students, to exchange ideas, worldviews and, of course, make new friends.

Perhaps the most valuable experience in this event is the possibility to interact, in just one week, with a number of mediation practitioners coming from diverse cultural backgrounds, with different native languages and being inserted in different legal systems. All these variables challenge the mediators in the effort of finding harmony and balance diversity.

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