

# Kluwer Mediation Blog

## A Survival Strategy for the First Time in the Mediation Room

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Another teaching year has ended and the last session's review and goal setting for the future has thrown up the same questions it does every year, or indeed as does the end of every mediation training course. Many of these start with what if? What if I...do something wrong...make a mess of it...go blank...say the wrong thing....? What if they...walk out....get angry with me...give poor feedback....behave badly...? These and more anxieties and considerations are normal for new mediators (and old ones, much of the time!!) They don't mean we don't know what we're doing. If anything the absence of concerns would be something to really worry about. But they do need to be managed, and this can be done with the assistance of some (relatively) straightforward strategies. Here are three of them:

### **1. Gather your baggage mindfully...then leave it outside the door**

We all have baggage. This can come in the form of experiences, memories, biases, expectations and even values. We also know how important it is to be neutral and impartial as mediators. This does not mean being baggage-free but rather being aware of what our baggage is, consciously setting it aside during mediation and – most importantly – noticing when it threatens to sneak back in the door. So before beginning mediation, do a baggage collection, that is, note what might be interfering with your openness – an expectation to succeed, for example, a dislike for one of the parties or their representatives, values around gender or seniority – and choose to set these aside for the mediation. During the mediation, stay tuned in with yourself and notice when these or new issues might be coming up or influencing your function. After mediation, reflect. Reflect on how well you identified your baggage, whether you succeeded in leaving it aside and how you managed when it threatened to interfere. And learn from these reflections.

### **2. Listen to understand. Really listen**

We're all taught about active listening in mediation training, right? So we all know how to do it, right? And then we're sitting in our first mediation with thoughts about our performance, what the parties think of us, what to say next, what not to say next, what their interests might be and so on racing through our mind and competing for space. We may be nodding and making eye contact but not actually hearing anything. And yet what our clients need and want from us more than any other skill or input is to be listened to and to be understood. So when noticing that mental chatter, take a few deep breaths to clear the mind and focus on really listening to the parties, with the sole intention of hearing and understanding them. Many new mediators find this difficult as they feel the need to have a plan for the next question, and the next... This strategy can often be

counterproductive though as we become so focused on our strategy we no longer follow the lead of the client who then becomes frustrated. If we can truly listen – in the moment – to understand the parties, the next question will present itself, as will the next, as will interests, mutualities, points of agreement and the other things we search for too energetically as mediators.

### **3. Cultivate curiosity or, when in doubt, ask!**

Most mediators I know have high expectations of themselves. They expect that they will be unbiased but multi-partial, engaged but detached from the outcome, successful but humble, responsive but innovative, and generally conflict ninjas who settle disputes and transform parties relationships without breaking a sweat. The reality is somewhat different. Mediations are messy, contradictory, unpredictable affairs. Every time we think we are onto a path to resolution, a new issue crops up or parties slide backwards into entrenchment. Or, even worse, we make a mistake. We ask an awkward question, miss a cue, push an anger button, re-frame badly or allow our baggage to take over. When this happens, which it will, we can choose to pretend it didn't, to fluster, or instead to be curious. We can ask the parties, for example, if they thought that question sounded as biased as we think it did. We can share our concerns and ask the parties if they feel a strategy we are following is actually beneficial. We can share our concerns about a particular line of questions. We all have assumptions about our impact on the parties but those may need to be checked! Many mediators are reluctant to cultivate and show such curiosity for fear of losing control, status or face. Yet this loss is much more easily achieved by ignoring concerns and pretending something is working when it isn't.

We must also be curious, and compassionate, with ourselves. If a session didn't go well rather than berating ourselves and getting into a list of "should haves" we can be curious about why things happened the way they did. Even if we did do something "wrong", compassionate inquiry into why this happened will bring more rewards for the future than self-flagellation.

Everyone has their first time in a mediation room. And ironically, the more experienced we become, the more every time feels like the first time as we truly begin to appreciate that there is no magic formula or process or intervention that will work as all parties and conflicts are unique. The best strategy we can deploy therefore is to stay open and in tune with ourselves, the parties and the process at all times and, when things don't go as we want them to, to cultivate an attitude of curiosity and compassion, rather than criticism and disappointment.

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