

Kluwer Mediation Blog

Learnings from user feedback

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After completing the mediation process, it is always helpful to receive feedback from participants. The quality of the mediation services we provide is directly related to our ability to draw lessons from feedback from participants and incorporate them into our practice. In this way, the chances of having good results, satisfied participants and future recommendations increase. At the system level, this should be the most effective strategy for promoting mediation and marketing any ADR service provider.

I want to share some of the most important lessons I learned from the feedback received from participants in the mediations I managed. Hopefully, this post is more about opening a list that we will further develop in the comments section.

So, reflecting on the feedback received from clients after almost 20 years of mediation, I found that patience, perseverance and inclusiveness are among the essential qualities of the mediator that contribute to participants' positive experience with mediation, including outcome, and not only. It also includes what happens in the mediation process, the interaction between the parties, how stressful it is for them, the relationship of trust between them and the mediator, and how demanding mediation is as resources invested, including mental, time or financial costs.

Patience

The first lesson I am referring to here is **patience**. When I start a mediation, I try to understand as much as possible about what happened, how the participants define the challenges to be addressed and how important it is to solve them. Only after that can we look to the future for possible scenarios and solutions that can satisfy the interests of the parties as much as possible. I also try to understand how much the parties are invested in this situation to know how much it is about the actual problems and their honour or ambitions. This understanding is essential in terms of the time each participant in mediation needs to accept the change from the standard position expressed and not shared by the other participants, which led to the current blockage. To have the strength to break this deadlock, the mediation participants need the mediator to provide them with the space and time they need. And that takes patience.

Perseverance

In many cases, mediation participants are not optimistic about the potential to resolve a dispute by agreement or, at minimum, to take steps in a direction acceptable to all parties involved. The reason is a particular (and fixed) level of knowledge about the parties involved and the

perspectives that each participant has at the beginning of the mediation. I often hear from mediation participants.”*Adi, I can tell you precisely what proposals we will receive from them, how we will respond, why we will not accept, and what they will say afterwards. I don’t see how this mediation could help us.*” However, we managed to take a few steps towards an understanding of the situation that will bring together the positions adopted by the participants in the mediation to a certain extent. But often, this progress is not enough, and the participants become discouraged again, even several times during the mediation process. What makes the difference in these situations is the **perseverance** of the mediator. It is about the mediator’s ability to believe, inspire hope and understand how important it is to manage the parties’ expectations and define realistic goals for each interaction. It is about understanding how important time is for participants, both from accepting change and the urgency to solve a specific situation.

Inclusivity

I left at the end what I think is the most crucial lesson, **inclusivity**. Inclusiveness refers to looking at different perspectives through a new one that can harmonize them. It can be found in many shapes and sizes, whether we are talking about the interest of a new party that is not represented in mediation and is blocking discussions or about an essential point of interest of a party, whether it is undiscovered yet or seemingly unimportant. I think that to learn the lesson of inclusivity, an improved way of thinking is needed, one that is no longer fundamentally oriented on the strength of the arguments, but rather on the compatibility of the most important interests of the participants that are often hidden and lay behind their negotiation positions and behind their body language. When we choose between two weak options, inclusivity makes us wonder if it is essential to make that choice from the beginning. Is the one who teaches us to say “and” instead of “or” as well as “and” instead of “but”. It is the one that leads to repair and remedy much faster than its opposite that leads to establishing the responsible or guilty party.

So, if I put them together, patience, perseverance, and inclusiveness are three ingredients that the participants in the mediation processes we facilitated identified as essential to ensure a positive experience with mediation.

As per above, it would be interesting to share experiences. Comments are open and encouraged. The more perspectives, the better.

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