

Myra Warren Isenhardt, President
Organizational Communication, Inc.
Two Pond Road
Englewood, CO 80113

Ph 303-796-8113
Fx 303-290-8909
Misenhar@du.edu

Michael Spangle
Director of Faculty and Curriculum
School of Professional Studies
Regis University
5756 Brook Hollow Drive
Broomfield, CO 80020

Ph: 303-458-4963
Fx: 303-964-5539
mspangle@regis.edu

Mentoring Toward Mediation:

The Experiential Development of Community Mediators

Abstract

Communities benefit from the services of mediators who are skilled in managing and resolving conflicts. Community disputes involve a variety of issues, from barking dogs in neighborhoods to business decisions that impact development. Consequently, the mediators must be exceptionally skilled at dealing with a variety of issues as well as volatile participants. The usual 40-hour classroom training is not adequate for these challenges. This article explores the developmental model used by one agency to develop, mentor and support mediators who resolve community disputes. The model illustrates how theory both informs and is informed by experience.

I. Community mediation

The community mediator is a little like a juggler who is trying to keep half a dozen rolling pins in the air at the same time. The juggler can't overlook one pin in favor of others, or the pins all begin crashing into each other. All of the pins must be given equal attention. Success is difficult to measure until the pins are caught safely in one swift movement at the end of the performance.

At times, juggling rolling pins might seem like an easier task. The community mediator is tasked with helping groups of disputants deal with multiple issues, government laws and city zoning, time consuming processes, constituents whose skills vary, membership that changes over time, and discussions involving beliefs about what is

right or wrong, just or unjust. Spangle and Isenhart (2003) point out that one of the factors that is especially challenging for community mediators is the tendency to promote personal agendas over community needs. It's difficult to identify all of the needs that training and development must provide to address the kind of multitasking that occurs in community mediation.

Community mediators must spend a great deal of time engaging in strategic planning for meetings. Before formal meetings begin, they facilitate negotiations about potential agenda items, appropriate representation, the decision-making processes that will be used, ground rules that will guide discussions and goals acceptable to all parties. Mediation becomes difficult if these discussions are not made prior to or early in the planning. In addition to managing tradeoffs, effective community mediators expect to set up and monitor procedures that provide productive, constructive processes. According to Poole (1991), procedures "counteract sloppy thinking and ineffective work habits which are part and parcel of everyday group interaction" (p. 66). Isenhart and Spangle (2000) point out that meetings are more productive if mediators set time limits, establish ground rules, identify desired outcomes, structure and agenda, keep the group focused on its desired outcomes, and periodically summarize progress. Without procedures to focus and limit discussion, the problems and dysfunctional behaviors tend to proliferate.

Because community issues often involve perceived threats to families, neighborhoods and quality of life, emotional attachment to positions frequently occur. Parties become adversarial. Jones and Bodtker (2001) point out that emotions influence a person's orientation to conflict. The presence of negative emotion heightens attention to negative information and negative evaluations of others. This adds an additional dimension of management for the mediator. Mediators must manage the procedural dynamics that promote the negative emotions, which in turn promote inaccurate and unproductive perceptions.

Finally, community mediators should model the communication behaviors they hope to encourage, such as honest feedback, respectful listening, and avoidance of interruptions. Mediators use a variety of skills to build and maintain healthy relationships among disputing community members; these include underscoring agreements, reframing toxic comments, balancing participation, and using caucuses appropriately. Building collaborative relationships, establishing clear procedures, and planning for an environment conducive to conflict management are especially important in community mediations.

How can mediators develop the many skills required to juggle the complex demands of community mediation? Some training for community mediators is designed as an "add-on." That is, after the typical 40-hour basic training is completed, another two to three classroom days are provided to advance the mediator to the understanding and practice of community mediations. Certainly a great deal of relevant information can be conveyed in this manner. However, the authors of this article believe that a more experiential approach best achieves the goal of training community mediators. Community Mediation Concepts (CMC) is a model of how an experiential approach, based on theories and knowledge about conflict processes achieves this goal.

II. Case Study: Description of Community Mediation Concepts

Background

In 1997, Steve Charbonneau founded a nonprofit organization titled Community Mediation Concepts (CMC) in Denver Colorado. In 1998, the first full year of operation, Steve and his Program Coordinator, Jackie Moorhead, handled 56 cases, primarily neighbor-neighbor disputes. Five years later, the organization handles seven times that many cases with a shift in the type of dispute to mostly multi-issue, multi-party conflicts.

Cases are referred to CMC by a variety of municipal units. Moorhead explains that approximately one-third of cases are referred by the Denver Police Department and one third from the Denver City Council. The other third arrive from a variety of sources such as Zoning, Administration, Parks and Recreation, Forestry, and the Board of Adjustment.

CMC cases involve both a diversity of clients and types of dispute. Clients may be private citizens, representatives from government agencies, and owners of businesses. Cases range from neighborhood disputes such as an entire neighborhood block affected by one neighbor's activities, dog-related issues, people dumping trash where it does not belong, to criminal complaints involving property damage, weapon firing, or physical threat.

Apart from disputes involving legal issues, many issues involve concerns about quality of life. How far away from schools and churches should bars or liquor stores be located? Issues of parking, noise and privacy are not easily resolved within communities and become part of the typical CMC caseload. Moorhead (2004) reports, "Some of the quality of life issues relate to siting group homes in residential neighborhoods; values around home ownership often conflict with the city planners' designs for locating small facilities to house the mentally ill, AIDS patients, or recently released prisoners." There are a variety of cases referred to CMC that involve conflicts between governmental units and private citizens, cases with legal implications, or cases that involve behavior problems that may have nuisance value.

Approach to Mediator Development

CMC's approach to mediator practice and development provides an example of the development of Practical Theory. This approach involves a reflexive relationship between theory and practice. Barge (2001) explains that "the role of the practical theorist is to map the puzzles, dilemmas, or challenges inherent to a practice and to describe the particular communicative strategies, moves, and structures that manage those problems" (p. 7). Engaged reflection (CMC debriefings and monthly meetings) inform and are informed by theoretical explanations for situational dynamics and tactical choices. The way new mediators, senior mediators, and directors dialogue about the issues creates theory about how to proceed in any given dispute, the kind of conversations that occur, and the role of the mediator. The mediator develops adaptability around shared expectations. New mediators shape their identities and roles as practical theorists through their discussions with both disputing parties and CMC staff.

III. CMC Training and Development

Selection

In response to varied and value-laden conflicts, CMC designed a mediation training program that demands and develops excellence. CMC does not accept beginning mediators into this program. It looks for trained mediators who display the traits the founder believes are most effective in resolving community disputes. Charbonneau (2004) identifies the critical skills candidates must evidence in interviews: “self-awareness, spirit, energy and problem solving ability,” In his view, “75% of your abilities walk through the door with you. We can refine you. But we can't train intuition, the ability to walk into a room; act relaxed, and be in charge, put others at ease, adapt to situations, or approach mediation with spirit and energy.” The Director also expects the mediators to know mediation procedures and possess good listening and problem solving skills prior to beginning at CMC.

CMC mediator training and development follows principles of psychologist Albert Bandura's social learning theory. Linking cognitive and behavioral learning, Bandura (1977) proposed that certain conditions must exist for learning to occur and be maintained. These conditions include: expected behavior is modeled; learner observes and imitates the behavior; positive reinforcement follows successful demonstration of the behavior; the environment motivates the learner to continue the behavior. Success can be measured by the frequency and persistence of desired behaviors.

Requisite Skills

The emphasis on development of mediation skills begins in the first phase of a mediator's entry into CMC. Following an initial interview that identifies mediator training and experience, the CMC's director believes his task is refinement and development of mediator capabilities. His role is to help mediators understand situations and where intuition, spontaneity, and creativity help disputants resolve conflict. This is accomplished by pairing new mediators with seasoned mediators whom the new mediators can observe and imitate.

Bowling and Hoffman (2000) argue “the personal qualities of the mediator thus affect his or her ability to sort through the clutter of emotion, accusation, and recrimination that the parties bring to the table” (p.7). The attributes that have the greatest affect on outcomes include self awareness, presence, authenticity, congruence, and the ability to integrate the interest of parties. Joan Kelly holds a similar view, “success {in mediation} relates to certain personal qualities, such as patience, a calm demeanor, and a tough skin” (Isenhardt & Spangle, 2000, 94). If one takes a personal perspective, it makes sense to start with the attributes of the person.

The CMC interview process supports this view, asking candidates, “What personal qualities do you bring to community mediation?” Bill Murphy (2004), a senior mediator with more than five years experience with CMC, states that mediators must possess “listening skills, a good sense of humor, and creativity in terms of solutions.” Senior mediator Lowrey Mumford (2004) believes that her most important qualities include the “ability to think fast on my feet, put people at ease to get information, and to maintain control.” Ian Boersma (2004), a new mediator who has been with CMC for one year, emphasizes the importance of establishing the “humanity of the parties and helping people to understand each other.” A significant quality shared by many of the community mediators is concern for the welfare of the community. Mumford (2004)

states, "I have a strong desire to make the world a better place." Murphy (2004) concurs, "I don't do this for the money. My motivation is pride in helping others resolve neighborhood conflicts." Boersma (2004) agrees, "I am motivated by a sense of community and pride in helping folks resolve conflict." A drive to leave their community a better place characterizes CMC mediators.

Directors select approximately 50% of applicants who apply to serve as community mediators. Following selection, mediators begin the first phase of development. Mediators selected for CMC work are assigned to work cases with experienced CMC mediators. The role of the new mediator during these first few mediations will be observation of a senior mediator and performing small tasks. The tasks will grow in importance with subsequent mediations. The additional tasks may include making opening statements, completing Consent-to-Mediate forms, establishing mediation ground rules, describing key steps of procedures, or writing the final agreements.

Mentoring

Bandura and Walters (1963) argue that social imitation built on observational learning enhances "the tendency for a person to produce the actions, attitudes, or emotional responses exhibited by real-life or symbolized models" (p. 89). They cite three reasons for using models or mentors in learning processes: 1) Learners acquire new responses that did not previously exist in their repertoires; 2) Observation may weaken commitment to ineffective actions and strengthen commitment to effective actions; 3) Modeling of effective actions may promote the release of similar, but not necessarily same, actions in learners. Modeling and mentoring builds on the adults' need to link current learning with past experiences.

Reinforcement and refinement of desired behaviors occurs in debriefings with the senior mediator and a program director following each mediation. Debriefings begin with a review of the mediation session. This is followed by questions such as: What worked and how did your actions contribute to your success? What frustrated you and what would you do differently next time? The emphasis is on reflection, understanding, and refinement of mediation tactics to achieve program goals. Respected practitioners such as Barbara Ashley Phillips stress the value of mentoring in the professional development of mediators, "Aspiring mediators develop their skills by being assigned to share in responsibility with a more experienced mediator. Observation and feedback by the senior mediator are critical to the development of effective practitioners" (Isenhart & Spangle, 2000, 86). New mediator Boersma (2004) agrees, "My success is based on some great mentors and the ongoing training that CMC provides its junior mediators. I learned a great deal from my two mentors."

After each initial assignment, the directors assign new mediators to work with mentors who use different styles, so that the new mediators see a range of expertise. For three to five cases, they take roles such as explaining the ground rules or acting as recorder. At that point, the Director and Program Coordinator evaluate the candidate and decide whether she or he should graduate into the first level of service, usually one-on-one mediations, such as neighbor-to-neighbor conflicts. The staff coaches mediators new to CMC before the mediations are conducted. They debrief with staff when the mediation is completed. However, mediators at this point are not assured of work with CMC; they are evaluated according to CMC's expectations and goals for community mediation.

CMC mediators agree that the mentoring program is vital to their success. As one of the expert mediators put it, “I have learned something from almost every mediation I have co-mediated. Some mediators cover things that others don’t. The beauty of multiple co-mediations with different mediators is that the new mediators do eventually get the whole picture” (Mumford, 2004).

Practice and Reflection

Bandura and Walters (1963) place great importance on the learner “playing a major role in determining the direction and nature of change that is to be produced” (p. 252). This orientation differs from strategies that begin with predetermined goals and pre-selected outcomes. Consistent with adult learning theory, this approach values active learning rather than passive classroom training. CMC training follows this model providing opportunity for new and seasoned mediators to co-create insights and knowledge. Debriefings support desired behaviors while inhibiting the less desired behaviors.

At the conclusion of three to five mediations, the new mediator, if successful, will be assigned to simple two-party mediations. After each case, both parties and mediators in debriefings identify factors that contributed to the success or failure. Success in these two-party disputes results in assigning mediators to more complex cases involving more parties and issues. Directors point out that mediators will be placed in mediations where they have demonstrated the greatest skill. Assignment depends on the situation and past success.

Bandura and Watkins (1963) argue that developing awareness or insight about a situation (discrimination) by itself is insufficient to produce sustained behavioral change. Awareness must be accompanied by reinforcement of positive behaviors, which in training might be in terms of approval or affirmation. Similarly, constructive criticism following behaviors may be necessary to inhibit the less desired behaviors. These principles are applied after mediations. Moorhead speaks with each mediator, debriefing the dynamics of the mediation process and examining the process for overlooked options or preventable errors. Moorhead (2004) asks questions such as “What worked and why?” “Anything you were uneasy about?” Reflective practice is strongly recommended by expert practitioners such as M.I.T. professor Larry Susskind, who “pursues continuing improvement through reflection on his practice, that is to say, subjecting trial and error in mediations to careful criticism. {Larry} conducts these reflections within his own negotiation team, with clients, and with a peer group” (Isenhart & Spangle, 2000, 60). Chris Moore also advocates “an apprenticeship with a practicing mediator or mediation firm where a novice can gain hands-on experience and receive mentoring” (Isenhart & Spangle, 2000, 120).

Development Through Meetings

Another portion of the developmental training consists of monthly meetings with staff and all mediators. At the time of this writing, there were eight mediators who had successfully completed all aspects of the screening process. The mandatory monthly sessions typically run one-and-one-half hours. This is an opportunity for mediators to express their frustrations or request feedback relative to their experiences. The topics that the mediators looked at in past meetings include:

- ❖ Managing critical transitions between parts of the mediation process.
- ❖ Dealing with difficult parties

- ❖ Dealing with political entities and city agencies
- ❖ Dealing with high emotions
- ❖ Dealing with potentially dangerous situations
- ❖ Writing comprehensive and enforceable agreements
- ❖ Using caucuses effectively
- ❖ Mixing and matching facilitation, negotiation and mediation
- ❖ Dealing with impasse
- ❖ Dealing with surprises during a mediation, such as unexpected attendees
- ❖ Differences between managing small and large groups
- ❖ Single-session vs. multiple session mediations
- ❖ Writing summaries for unsuccessful mediations
- ❖ Conducting mediations where attorneys are present
- ❖ Strategies for mediations with diverse age groups – elderly, adults and children.

Discussing these topics promotes mediator development that is customized to the current needs of this specific group and its clients.

Expert mediators were particularly appreciative of the monthly meetings. Mumford (2004) reports, “The meeting provides time to share, debate, and brainstorm about things that come up in mediations. The meeting provides an opportunity to hone some skills such as drafting or reviewing an agreement. Mediators may discuss the wording in a Memorandum of Understanding, failure to reach agreement, or problems encountered in particular cases. Conversations are spirited, yet provocative and helpful.” Murphy (2004) notes that the monthly meeting is a chance to meet other experienced mediators and swap stories with them. He also observes that the meeting is a source of new approaches. The meetings also provide a forum to deal with the mediators’ personal reactions and frustrations, without violating the confidentiality of the case.

IV. Relationship of Outcomes to Mediation Expectation and Training

Some scholars describe success in public dispute resolution in concepts that are hard to measure, such as transformation of conflict's value (Dukes, 1996), building community consciousness (Littlejohn and Domenici, 2001), or catalyst for social justice (Weinstein, 2001). Discussion varies about the relationship between short-term and long-term success (Pruitt, 1995; d'Estree et al, 2001, Gwartney et al. 2002). Consistent with its emphasis on specific behavioral outcomes, CMC measures success based on a blend of observable, short-term and long-term factors: 1) Did the mediator run a fair process? 2) Did the mediator fix the problem? 3) Did the parties walk away satisfied with the process? 4) Do the disputants stop calling referral sources for help? If the answers are "yes" to all four questions, the mediator's development is affirmed through assignment to cases involving more disputants arguing more complex issues.

CMC has developed a taxonomy of outcomes. Some categories describe why a referral did not result in a mediation, such as case already in court, unable to contact complainant or respondent, and complainant or respondent declined mediation. These are labeled “Inappropriate,” “No Contact,” “No Response,” “Complainant Declined,” and “Respondent Declined.” In other cases, CMC may assist (Assistance) but not mediate, such as problem solving with either party or referring parties to other resources. In rare cases, CMC assists in resolution (Resolution) without a mediation session by shuttling between parties. There are other categories that account for face-to-face mediations resulting in a Memorandum of Understanding (Agreement), a progress report, or a

summary. The category “Unsuccessful” records face-to-face mediations that did not result in any progress or agreement. The staff connects these categories with individual mediators in order to design future training and coaching.

Assessment is also conducted to discern the satisfaction of parties with mediation. Some of this is formal and some anecdotal. Parties are asked about their satisfaction with the outcome of the mediation, with its process and with the mediator. Again, this feedback is used in training and coaching individuals; it may also suggest a fit between certain mediators and certain types of cases.

The increasing number of referrals from city agencies, departments and City Council suggests a high level of satisfaction with the mediations being performed by CMC. The growth of its caseload mentioned earlier (from 56 in 1998 to 223 in 2003) is testimony to the training that these mediators are experiencing. If they were not thought to be performing well, it is unlikely that CMC would see such growth in a relatively short time.

As described earlier, there are numerous quality controls built into the CMC’s training model. Selecting trained mediators who have personal traits fundamental to community mediation is the first step in the process. Assigning them to observe and learn from mediators with CMC experience is the second. Coaching before mediations and debriefing afterwards is a third quality control. Finally, the assumption that learning is an on-going process based on praxis is reinforced in monthly meetings of the staff and mediators.

Summary

The CMC developmental approach for training of community mediators serves as a worthwhile model for training mediators. At professional meetings and in the literature, leading professionals decry the lack of mentoring for mediators. In a summary of what expert mediators regard as critical to their own success, Isenhardt and Spangle (2000) concluded, “Mentoring was noted as formative, as was continuing education and networking” (p. 218).

Although 40-hour training programs turn out increasing numbers of potential mediators eager to quit their day jobs, there is a dearth of continuing development informed by reflection. CMC provides direct supervision as mediators gain the skills and confidence to handle the complexities of community mediation. Its mediators attend monthly meetings where they and the director discuss and reflect on issues of concern. In this way, experience informs practice. Novice and senior mediators highlight these meetings as critical to their development. Interviews with the director and the coordinator support this view. Connections to relevant theories of adult learning may be readily drawn. Satisfaction from its rapidly growing client base attests to the attainment of critical skills and professional values; CMC’s approach is worthwhile not only to mediators, but ensures the success and delivery of valued services to the community. CMC is developing competent jugglers.

References

- Bandura, A. (1977). *Social Learning Theory*. Englewood Cliffs, N.J. : Prentice Hall.
- Bandura, A. and Walters, R.H. *Social Learning and Personality Development*. New York: Holt, Rineholt and Winston, 1963.
- Barge (2001), J.K. "Practical Theory as Mapping, Engaged Reflection, and Transformative Practice," *Communication Theory*, 2001,11 (1), 5-12.
- Boersma, I..April 26, 2004, personal e-mail
- Bowling, D. and Hoffman, D. "Bringing Peace Into the Room: The Personal Qualities of the Mediator and Their Impact on the Mediation." *Negotiation Journal*, 2000, 16 (1), 5-28.
- Charbonneau, S. Personal interview by Myra Isenhardt and Michael Spangle, February 5, 2004.
- D'Estree, T., Fast, L.A., Weiss, J.N., and Jakobsen, M.S. "Changing the Debate About 'Success' in Conflict Resolution Efforts." *Negotiation Journal*, 2001,17(2), 101-114.
- Dukes, E.F. *Resolving Public Conflict*. Manchester, England: Manchester University Press, 1966.
- Gwartney, P.A., Fessenden, L., and Landt, G. "Measuring the Long-term Impact of a Community Conflict Resolution Process: A Case Study Using Content Analysis of Public Documents." *Negotiation Journal*, 2002, 18 (1), 51-74.
- Isenhardt M.W. & Spangle, M.L. *Collaborative Approaches to Resolving Conflict*, Thousand Oaks, CA: Sage Publishing, Inc. 2000.
- Jones, T. S. and Bodtker, A. "Mediating With Heart in Mind: Addressing Emotion in Mediation Practice," *Negotiation Journal*, 2001, 17(3), 217-244.
- Littlejohn, S. W. and Domenici, K. *Engaging Communication in Conflict*. Thousand Oaks, CA: Sage, 2001.
- Moorhead, J. Personal interview by Myra Isenhardt and Michael Spangle, February 5, 2004.
- Mumford, L. Personal e-mail, April 27, 2004.
- Murphy, B. Personal interview by Myra Isenhardt, April 28, 2004
- Poole, M.S. "Procedures For Managing Meetings: Social and Technological innovation." In R.A. Swanson and B.O. Knapp, eds., *Innovative Meeting Management*. Austin, TX: 3M Meeting Management Institute, 1991.
- Pruitt, D.G. "Process and Outcome in Community Mediation." *Negotiation Journal*, 1995, 11 (4), 365-378.
- Spangle, M. L. & Isenhardt, M.W. (2002). *Negotiation: Communication for Diverse Settings*. Thousand Oaks, CA: Sage Publishing, Inc, 2002.
- Weinstein, M. "Community Mediation: Providing Justice and Promoting Transformation." *Conflict Resolution Quarterly*, 2001, 19 (2), 251-259.

Myra Warren Isenhardt is an affiliate faculty member at the University of Denver and at Regis University. She teaches, writes, and consults about topics in organizational communication. Her firm, Organizational Communication, Inc., responds to organizational development needs.

Michael Spangle is an Associate Professor and Director of Undergraduate Faculty and Curriculum in the School for Professional Studies at Regis University. In addition to teaching university courses in negotiation and mediation, he frequently consults with organizations on issues of team communication and conflict management.