

Let's Listen Let's Talk

October 2023

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Welcome to our October 2023 newsletter!

I sit down to write this introduction with a heavy heart as it is just days after the tragic death of Elianne Andam, the 15 year old schoolgirl who was killed in a knife attack in central Croydon. She was on her way to school when she was attacked.

London and Croydon have had so many knife deaths over the years and many of these have been of young people; robbed of a future. As I reflect on these deeply sad events my mind is, like so many, asking questions like; why does this keep happening? and what can I do?

Well from the anger and sadness I feel, part of my answer is to put even greater effort into spreading the understanding and tools for nonviolent conflict resolution. Our newsletters are one of the ways we are trying to do this so please continue to spread the word. However we are also looking to develop conflict coaching in the coming months to compliment our mediation offer. This we firmly believe can further spread these vital tools to the residents of Croydon both young and old.

I hope you find this newsletter as informative as always.

As ever If you would like to get in touch, meet for a coffee or if you have ideas about improving the service, my contact details are;

neiselby23@gmail.com or 07905 168285.

Look forward to seeing you soon

Neil



Interview with a Mediator

Tara West is the author of *The Mediator's Approach: Five (and a Half) Paths Through Conflict* (2021) and co-author of *Self-Determination in Mediation: The Art and Science of Mirrors and Lights* (2022). She is a Fellow with the Institute for the Study of Conflict Transformation, conflict coach, and certified transformative mediator. Tara has studied facilitative, evaluative, understanding-based, and transformative approaches to mediation, and has taught and developed undergraduate and graduate psychology courses covering such topics as socio-cultural approaches to psychology, developmental psychology, personality psychology, group processes, and the psychology of conflict resolution. Tara earned a PhD in Social and Health Psychology from Stony Brook University and a JD from the New York University School of Law. You can find out more about Tara at www.tarawestmediation.com.



Tara West

Are there any key mediation skills that you had to work harder on and how did you go about improving?

One skill I had to work harder on was reflecting the parties' emotions. I tended to focus on the more tangible information the parties shared or arguments they were making, and I often left out what they said about feeling angry, sad, scared, or frustrated.

I improved at this by participating in a coached practice group for transformative mediators. At the beginning of the series, my coach asked each of us if we had anything

in particular we wanted to work on during our time together, and I said “reflecting emotions.” So throughout the coached practice group, I made a special effort to include emotions in my reflections and summaries, and my coach made sure to notice when I was able to do it well and to point out opportunities I missed.

Do have any tips on how to encourage parties to generate solutions?

I start with the assumption that the parties want to solve their own problem but that they’re having a hard time right now because they’re caught in the “vicious circle of conflict.” This means that they’re feeling hopeless, overwhelmed, confused, and scared - all of which make it difficult to think creatively and come up with new solutions. At the same time, they’re also feeling misunderstood, mistreated, and alienated from the other party, making it especially difficult to generate solutions that would work for them, as well.

So my goal is to help the parties escape the vicious circle of conflict and get to a place where they’re feeling stronger, clearer, and more open to hearing the other person’s perspective. Once that happens, they often spontaneously and naturally generate solutions that work well for everyone.

Have you ever found it challenging to maintain your impartiality during a mediation? How did you manage this?

Definitely. Years ago, I was working with a divorcing couple and found myself feeling very protective toward the husband and very critical toward the wife, who was, in my view, “bullying” her husband. The wife took up about 80% of the time

in each session and spent much of that time belittling her husband. She also insisted on getting her way for pretty much everything. I spent a lot of time interrupting her and then asking the husband direct questions about his needs and perspective. Unsurprisingly (to me now), this only seemed to make the situation worse.

Eventually, I asked the couple if I could meet with each of them separately. My main goal was to find out if the husband was truly comfortable continuing with mediation and if he was participating voluntarily. He told me that he was as comfortable as he could be, given what he was dealing with, and that he wanted to continue.

I now needed to meet with the wife separately but had no real plan for what I was going to do when I got there. When I sat down, I just said, “This is hard.” With that, she burst into tears and cried for several minutes with her head in her hands. Once she was able to talk, she started sharing all the ways the divorce was hard on her. She revealed so much fear and pain that it was now very easy for me to access the empathy that had been missing before.

This didn’t create much of a shift in the mediation, but it did create a shift in me. I still think of this experience whenever I’m finding it difficult to empathize with someone who appears to be a “bully.” I understand that their aggressiveness may be their way of coping with the intense fear and pain they’re experiencing, and that it’s not the full picture of who they are. I now try to support each party in a way that gives them the space and strength to regain their ability to be who they want to be, and to make choices they can feel good about.

What are your views on the pros and cons of virtual mediation? Do you have any best practice tips based on your own experience?

Aside from the convenience of virtual mediation (time saved, more flexible hours, etc.), I’ve heard clients say they appreciate the personal space and distance they get from the other person’s energy when they’re not in the same room. And of course if there are safety concerns, virtual mediation can be a good option. It’s also easier to see everyone’s face at the same time with virtual mediation, so I can see the listener’s reaction while the speaker is talking – reactions that would be missed if they were sitting at different ends of a table in a room.

The cons are that it’s difficult to make eye contact in virtual mediations, and to know who’s looking at whom. And for some people, in-person mediation just feels more “real” (although I’ve heard people say, afterward, that they were surprised by how “real” Zoom mediation felt). But the biggest problem are the technical issues, such as bad internet connections, that interfere with communication. You can only ask people to repeat themselves so many times before it starts feeling like too much work for everyone.

When it comes to best practices, one tricky issue with choosing a mediation venue is that the parties need to make that decision together, and the mediator isn’t there to support their conversation about it. For this reason, I try to ask each party ahead of time if they have any concerns about either venue.

If I hear something that makes me feel uncomfortable mediating in person, I’ll insist on virtual for the

first joint meeting. Otherwise, I put the decision in their hands. People often choose virtual simply because it's less expensive - I charge less for virtual meetings since less time and overhead is involved, although I have considered charging the same rates just to remove cost as a factor.

Do you have any phrases or questions that you commonly use in mediation to good effect? Since I try to put all choices in the parties' hands, most of my questions are something along the lines of:

“How would you like to begin?”
“What would you like to do now?”
or
“Where would you like to go from here?”

And if I see something that I suspect isn't working well for the parties, such as an extended period of time when they're talking over each other, I might say, “I noticed that the two of you have been speaking over each other for a while. This isn't a problem for me, but I just want to make sure you're both comfortable with how the conversation is going.”

Similarly, if I notice that one person hasn't spoken for a while, I might say, “John, I noticed you've been quiet lately. This isn't a problem for me, but I just wanted to check in and make sure you had the opportunity to speak if you wanted to.”

Can you provide any advice on how to best prepare for a joint meeting following the initial discussions with both parties?

I recommend noticing your reactions to the parties after the initial discussions. Are you empathizing with one more than the other? Are you judging one (or

both) harshly? Perhaps one of the parties reminds you of someone you know, or of yourself. Or maybe their conflict is triggering a painful memory from your own life.

Notice these reactions but try not to judge yourself for having them. It's natural to have a variety of emotions and judgments come up in the context of other people's conflicts. Acknowledging and accepting your reactions, recognizing that they might be shaped - at least in part - by your own life experiences, will strip them of their intensity and help you be present for the parties, and for yourself.

Do you have any tips on how to best prepare clients for the joint meeting?

I generally meet with each client individually for about 30 minutes at some point before the joint meeting. I let them know that it's their time to use however they like, but I also ask if they have any concerns about the joint session, or topics or situations they want to prepare for, and I do my best to make sure they understand the limits of my role (for instance, that I cannot offer protection).

I also say something like:

“People often find it helpful to think about their goals for the session, which could include practical goals in terms of the decisions you're hoping to make or what you want their agreements to look like. It could also include goals about information you want to convey to the other person - so what you want the other person to understand about your perspective, or any questions you might have for the other person. Or you might have goals when it comes to how you show up in the meeting - so what it would mean to you to be your best self in the conversation.”

I find that clients generally make good use of the time, and these meetings seem to help the conversations in the joint session go better.

How do you manage your own personal and professional development as a mediator?

In addition to taking countless mediation trainings, I've participated in a number of coached practice groups, support and development groups, and practicums through different organizations (e.g., The Institute for the Study of Conflict Transformation, The Center for Understanding in Conflict, and The Center for Mediation and Training). I learned a tremendous amount in each of them.

While I don't necessarily recommend the path I took (surely there are more efficient ways!), I do think it's been incredibly valuable to learn from people who were practicing different approaches - it allowed me to think more deeply about how I wanted to practice, and why.

Writing blog posts and books has also helped me develop as a mediator. Putting things in writing forces you to clarify your thoughts and identify gaps in your knowledge. Writing a book with my co-author, Dan Simon, was particularly influential to my development. Even though our perspectives overlapped quite a bit, the need to collaborate highlighted different assumptions we were making and challenged us to think more deeply about those areas.

Giving talks has also helped me develop as a mediator. Aside from having to put my thoughts into words for the presentation, I almost always get at least one question that challenges me to think about

my perspective in a new way. I look back on some of the answers I've given during talks over the past couple of years and am a bit embarrassed – I choose to look at this as evidence of growth and can take comfort in that, at least!

Are there any books, articles, Youtube videos etc that you would recommend to help us develop as mediators?

I just read (okay, listened to) *High Conflict: Why We Get Trapped and How We Get Out* by Amanda Ripley. I thought the author did a fantastic job using research, along with a wide variety of stories, to illustrate the emotional experience of conflict, which can pull any of us into its grip. The stories also included some dramatic and heart-warming turn arounds, demonstrating our desire and capacity to pull ourselves out of high conflict, as well.

So it's not so much a mediation "how to" guide, but more of an opportunity to better understanding the emotional experience of high conflict and the factors that can keep people stuck there. It's also a good reminder that there's much more to our clients' lives, and to their potential, than what we're seeing in the session.

I also want to recommend Avi Kluger's Tedx talk, *Listening and Its Enemies*, which offers evidence and stories about the powerful effects of listening.

Do you have any advice on how to effectively co-mediate?

Co-mediation is tricky! Even if you and your co-mediator share the same overall approach to mediation, at any given moment you can find yourself at odds or confused by their choices, paying more attention to what they're doing than what the

parties are doing. For instance, you might try to anticipate their next move so you can work with them (e.g., "If my co-mediator is being silent right now, there's probably a good reason for it, so I better be silent, too") or against them (e.g., "I think my co-mediator's trying to take things down an unproductive path, so I better get in there before they do something else").

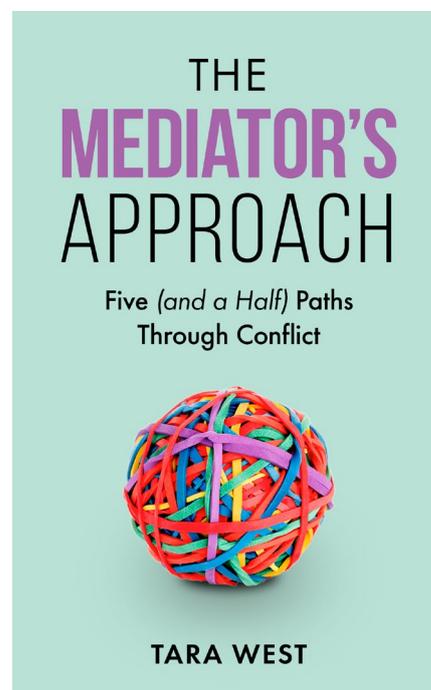
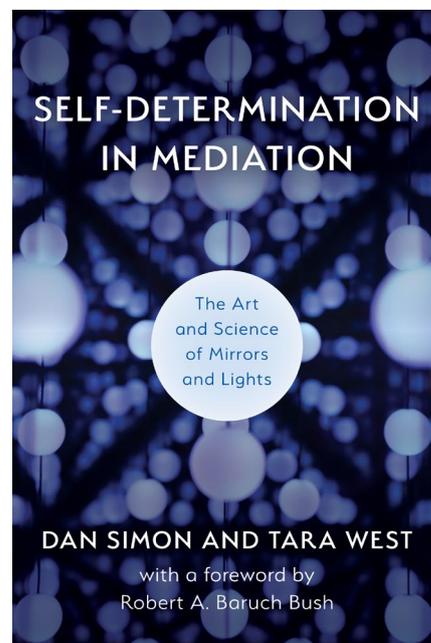
My main suggestion would be to keep the lines of communication open. If you can meet beforehand to talk about your approach, expectations for how you'll work together, and how you'll handle any challenges, that will surely make things go more smoothly. But challenges might still arise that you didn't plan for, and there are only so many breaks you can take.

If your practice is to support the choices of everyone in the room (e.g., the parties, their lawyers, consultants, and anyone else who happens to be there), you can extend the same support to your co-mediator. If they make a suggestion or offer an opinion, you could reflect what you heard them say and include their perspective in a summary. This would give everyone, including your co-mediator, a chance to think about what they've said and what they'd like to do next.

Another option might be to transparently acknowledge that the two of you seem to have different ideas about how you can be most helpful to the parties, and you're not sure what to do. Demonstrating humility in a situation where you feel like you're supposed to be an expert can be scary, but also liberating.

It's helpful to remember that you're just human beings doing your best to help your fellow humans move

through in a challenging situation. You're not mediating machines, and you don't have to have all the answers or do everything perfectly. Sometimes just showing up and being present for conversations that most people would avoid like the plague is more than enough.



Common Ground

In our last two newsletters we discussed the key mediator skill of empathy. This time round we are focusing on common ground. Finding common ground is an essential element of any successful mediation. It shifts the focus to what the disputing parties agree on rather than disagree on, helps them to understand each other's viewpoint and reduces tension. Common ground is gold dust to a mediator as it increases the likelihood of reaching an agreement that satisfies both parties.

Even in instances where there are polarising viewpoints on highly emotive issues, you can find commonality in terms of the underlying principles, beliefs and values motivating both parties. For example, someone who is opposed to fox hunting might have some commonality with someone who is pro fox hunting as they could both have a passion for the countryside and have strong principles around wildlife conservation.

Consider whether there may be any common ground between parties holding opposing views of these emotive subjects. In our next newsletter, we will share some thoughts on where some commonality may exist.

Immigration

Animal cloning

The death penalty

Private health care

Euthanasia

HS2

Badger culling

Mediator Spotlight

Curie Freeborn

Curie is a Lived Experience Practitioner who embodies positive social change and adopts a holistic approach in her practice. Prior to this she worked for decades in Customer Services in the public sector where she developed skills and techniques for handling complex complaints.

Since leaving the public sector Curie has been engaged in private practice and is actively involved in community work and has now trained as a Mediator to better serve the community.

In her spare time Curie is a Multidisciplinary artist and enjoys Theatre, Ashtanga Yoga, Documentaries and Travelling.





Tara is the sixth mediator we have interviewed for our newsletter and we are very grateful to her and the other mediators who have taken the time to share their considerable insight and experience.

We have been met with such positivity by the mediators we have approached for interviews and

their passion for the profession has been inspiring. All our previous interviews can be accessed via the following links. We hope there will be many more to follow!

Gary Webber
June 2022

Laura Kirkpatrick
September 2022

Dr Mike Talbot
December 2022

Gerry O'Sullivan
March 2023

Emma McAndry
July 2023

Join Us

CCM is still growing but we need to increase the number of mediators so our service is seamless.

Would you, or someone you know, make a good mediator?

It's just £50 to register and train as a Community Mediator.

Register your interest now by emailing;

office@croydonmediation.org.uk

