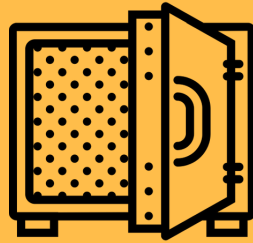


# MEDIATOR SELF- REFLECTION



# TREASURY

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Special thanks also goes to Virginia certified mediators Brandon Bastian, Walter Camp, James Meditz, Van Parker, Cynthia Potter, Karen Richards, Norval Settle, and Jeannette Twomey for their wise feedback and advice early in this project. Finally, DRS thanks the mediators of Virginia for their commitment to excellence and continual improvement.

This document is compiled from and inspired by many of the sources found in the Resource list.



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# INTRODUCTION

## *The Map*

This booklet began life as a notion to assist mediators in completing the Mediator Self-reflection form (ADR-1011), but its purpose has grown beyond that. The desire is for this booklet to serve as a repository, a dynamic vault, a treasury of riches to assist mediators in their pursuit of continued growth. It is our hope that mediators, regardless of experience, can use it as a workbook and guide in creating an ongoing practice of reflection – before mediation, after mediation, any time. We hope mediators will contribute their own resources and thoughts to this treasury and it will grow and deepen as the reflective practice of Virginia’s mediators does the same.

To start our journey, let us tackle some questions you may have.

SELF-IMPROVEMENT  
THROUGH INTENTIONAL  
PRACTICE



## ***What is mediator self-reflection?***

It is a way to achieve professional development and growth.

Mediators review what happened in a mediation and become more aware of the choices they made, why they made them, and whether they were effective. These insights and a desire for professional growth can lead to re-evaluating routine methods, recognizing personal strengths and weaknesses, seeking greater knowledge, and exploring new strategies and techniques.

Self-reflection has the potential to help mediators: improve understanding, experiment, challenge assumptions, recognize and manage internal biases, stick to the mediation lens, etc.

## ***What personal attributes assist in self-reflection?***

- Openness
- Curiosity
- Humility
- Willingness to recognize areas for improvement
- Willingness to learn something new

## ***How do I self-reflect?***

There is no one right way to practice self-reflection. Tools, programs, groups, articles and books exist to offer guidance for mediator self-reflection. They have similarities. They have differences. Individual mediators might be more comfortable with some methods of practice than others.

The main point is to achieve growth as a mediator. What is important is undertaking self-reflection in some manner that improves your own understanding of your work.

You could reflect on your mediations in a journal. You could attend a Mediator Peer Consultation program. You could start or join a reflective practice group. You could learn a specific method of self-reflection and implement it as a regular part of your practice.

### ***Is CME credit available for self-reflection?***

Yes. DRS will determine whether a self-reflection effort is adequate to qualify for CME. The recertification guidelines require self-reflections follow a co-mediation and be submitted on form ADR-1011. They also state: “To qualify for CME, forms must demonstrate 1) thoughtful and thorough self-reflection; and 2) mediator insight and/or new learning.” DRS recommends you submit the Mediator Self-Reflection – Request for CME (ADR-1011) in advance of your certification deadline to determine qualification. You can find the form by visiting our website at <http://www.vacourts.gov/courtadmin/aoc/djs/programs/drs/mediation/home.html>. Consider using it in conjunction with the lists and questions in the Treasury.

### ***What is the Treasury?***

The Treasury is a collection of principles, skills, resources, and questions associated with the mediation process. While it is a good start, it is not exhaustive. It seeks to give mediators multiple resources and options to experiment with self-reflection.

When mediators find a method of self-reflection that best contributes to their own growth, that is likely the best method for them. In the Treasury, mediators might find mediation principles or mediator skills or ethics they want to learn more about. They might wish to reflect on their use of a skill or principle in a recent mediation. They might find articles to assist their self-reflection. They might find questions to encourage thinking about why they employ certain mediation strategies and how effective those strategies are.

### ***How can I use the Treasury?***

Review the Treasury lists through page 15. Think about the questions associated with each list. Does anything come up from a recent mediation? Is there a book or article in the Resources you'd like to read? Choose a recent mediation to use with the Questions for Exploration section, beginning on page 16. Follow the visualization prompts. Select questions in the next sections that seem pertinent to the events of the mediation. Choose at least two questions from each section. Record your responses. Has anything once murky become clear? Have issues come forward that require further investigation?

### ***OR***

In preparing for a mediation, read through the Treasury lists. Are there skills you'd like to work on in the mediation, or principles you'd like to be sure to keep in mind? Read through the mediator ethics. Are there particular ethical standards you want to keep in mind during this mediation?

### ***OR***

In any manner that helps you grow as a mediator.

***Are suggestions to improve the Treasury welcome?***

Please share your suggestions! A dynamic Treasury, giddy with mediator deposits and withdrawals, is part of the plan. What would make it more useful for novice mediators? Experienced mediators? Both? Suggestions for the format and design are also welcomed and encouraged. Thank you!



# *Principle* prin·ci·ple [noun]

(1) : a rule or code of conduct (2) : habitual devotion to right principles



**THE KEYS TO THE KINGDOM**

**Consider the mediation principles listed below.**

**How do they strike you? Are there others you would add? What mediation principles are important to your practice? Are there any that don't apply to your practice?**

**How can you use this list to grow as a mediator? Could it be helpful to consult when preparing for a mediation, or for reflecting after a mediation?**

- Self-determination
- Respect
- Fairness
- Joint Decision-making
- Informed Decision-making
- Confidentiality
- Privacy
- Impartiality
- Empowerment
- Best Interests
- Safety
- Do no harm
- Efficiency
- Collaboration
- Resolution by consensus, if at all
- Disclosure
- Honesty
- Competence
- Quality
- Balance
- Understanding
- Voluntariness (Voluntary process; Voluntary resolution)
- Professional role boundaries
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



\ 'skil \      [noun]

A **learned** power of doing something competently : a **developed** aptitude or ability

***Jewels in the crown***

In which of these do you excel? Which do you need to sharpen and improve? Are there other skills you would add to the list?

How can you use this list to grow as a mediator? Could it be helpful to consult when preparing for a mediation, or for reflecting after a mediation?

- Using problem solving, not adversarial, language
- Generating concrete proposals from parties
- Supporting party self-determination
- Asking open-ended questions
- Sticking to the mediator role
- Generating creative options
- Attentiveness
- Reality Checking
- Interrupting Appropriately
- Encouraging communication
- Paraphrasing what a party says
- Communicating respect and empathy
- Breaking the problem into smaller parts
- Remaining neutral and coming across as neutral

## Try it out!

- I am comfortable doing this
- I feel okay doing this
- I am not comfortable doing this

**For each of these skills, indicate how proficient you are with that skill.**

Questioning my assumptions and the parties'

Screening out inflammatory language

Guiding the mediation process

Keeping discussion on topic

Identifying common ground

Empathetic Listening

Caucusing

Setting Boundaries

Focusing on the future

Writing agreement accurately

Summarizing issues and interests

Reflecting and working with emotions

Encouraging progress, overcoming obstacles

Discussing underlying interests instead of positions

# TREASURY ETHICS

## *GOLD STANDARD*

Consider the “[Standards Of Ethics And Professional Responsibility For Certified Mediators.](#)”

Virginia's ethical standards are a key resource for mediators. Read through the document periodically to stay mindful of ethical duties and professional responsibility.

Consult the Standards to navigate unusual mediation circumstances that arise.

The most skilled, experienced and learned mediators all seek ethical guidance from time to time.

How can you use the ethics to grow as a mediator? Could they be helpful to consult when preparing for a mediation, or for reflecting after a mediation?

Mediator ethics generally revolve around 3 main ethical values:

- o Confidentiality
- o Self-determination of the parties
- o Impartiality of the mediator

# Beliefs & Values



## *Diamonds or Coal?*

All mediators have personal beliefs, values, and triggers. Mediators don't stop being individuals when they mediate so it's important to be aware of what beliefs, values, and triggers might help or hinder you in a mediation.

Consider what personal beliefs you, the mediator, bring to the mediation table. Do these beliefs ever assist in mediation? Do they ever interfere?

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Consider what personal values you, the mediator, bring to the mediation table. Do these values ever assist in mediation? Do they ever interfere?

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Consider what topics or scenarios are triggers for you. Do these ever assist in mediation? Do they ever interfere? What makes these triggers for you?

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# Treasury Resources



## PEARLS OF WISDOM

See the mediator self-reflection resources below and on the following pages. Are there other materials you would add?

What materials and resources do you find helpful to support your mediation practice in general?

How can you use this list to grow as a mediator? Could it be helpful to consult when preparing for a mediation, or for reflecting after a mediation?

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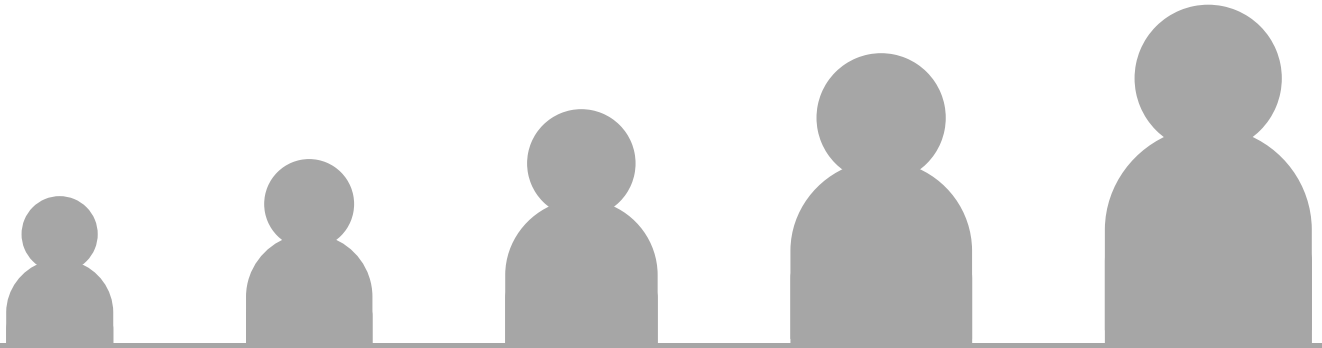
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# Questions for Exploration



## *Sterling Silver Nesting Dolls*

Questions cover: **1)** specific things that happened and/or actions taken during the mediation; **2)** internal thoughts and self-awareness while mediating; **3)** new learning the mediation engendered; and **4)** steps for professional development.

How can you use these questions to grow as a mediator?  
Could they be helpful to consult when preparing for a mediation, or for reflecting after a mediation?

# VISUALIZING THE MEDIATION

- 1. What were the general issues?
- 2. Was there anything about this mediation that made it difficult?
- 3. What do I think the participants were trying to achieve in this mediation?
- 4. What, if anything, was surprising in the session?
- 5. What was especially satisfying about this session?

## WHAT STANDS OUT?

- 1. What was a key juncture in this mediation? How did I respond? How did the participants respond to me?
- 2. What did I do to help the parties? Were my actions timely and effective? How did the participants respond to them?
- 3. Did I set and maintain boundaries in the parties' negotiation? How?
- 4. Did I help the participants understand each other? What did I do to assist them?
- 5. If I was creative and/or tried something that I hadn't tried before, what was it? What was I trying to accomplish? What happened?
- 6. What did I do to make this more effective than ordinary negotiations between parties?
- 7. How did I remind the parties of the objectives they were trying to achieve?
- 8. How did I use an agenda or determine and structure discussion topics to guide to discussion/negotiations?
- 9. How did I guide the parties from issue identification to problem solving?
- 10. What techniques did I use to guide the parties through reality testing?
- 11. What strategies did I use to facilitate the conversation around possible solutions and/or move the parties out of impasse?
- 12. How did I help the parties understand and be comfortable with what they agreed to?
- 13. If a resolution was reached, what do I think I did that helped facilitate a resolution?
- 14. If no resolution was reached, were there other outcomes that made this process worthwhile?
- 15. Was mediation appropriate for this situation? What made it appropriate or inappropriate? Was there a particular instance that made me doubt the appropriateness of mediation for this case? Were there any clues I have may have missed during the orientation session or before the mediation that would have stopped me from mediating?
- 16. If I provided any resources in terms of support, training, facilitation, legal advice, or counseling that I felt participants needed after the mediation, how did I do so while maintaining the appearance of impartiality and neutrality?



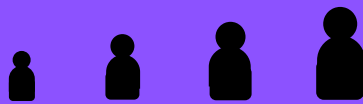
## WHAT WAS MY SELF-AWARENESS?

- 1. During the key juncture(s) in the mediation, how did I feel? What was I thinking?
- 2. Did I feel competent in this mediation? What made me feel more or less competent?
- 3. Was I attentive? When and why did my mind wander?
- 4. Did I mindfully select my actions, or did I act out of habit?
- 5. Do I understand why and when a certain action might prove useful? Do I understand the mediation theory or principle behind it?
- 6. When was I judgmental of myself or someone else? How did that feel?
- 7. Did anyone challenge me? How did that feel?
- 8. How did my actions fit with my beliefs about the role of a mediator and the goals of mediation -- were they consistent with those beliefs?
- 9. How did my actions fit with mediator ethics? Was I mindful of ethical considerations as I mediated?
- 10. What did I enjoy about this mediation?
- 11. How did I think the parties perceived me? What made me think that?
- 12. Did I step outside the mediator role into another professional role? If so, what were my thoughts/intentions?



## LEARNING

- 1. What were my strengths in this mediation (e.g., introducing the process, paraphrasing, listening, paraphrasing, identifying/clarifying issues, assisting parties generate solutions, remaining impartial, assisting parties write an agreement, etc.)? My weaknesses? How so? What makes me think these were strengths/weaknesses? Would my co-mediator agree with this assessment?
- 2. Did the parties get what they needed from me? If so, what did I do to ensure this? If not, what could I have done differently? Would my co-mediator agree with this assessment?
- 3. What occurred in this mediation that fostered resolution? What occurred that hindered it? Would my co-mediator agree with this assessment?
- 4. Did ethical issues arise? If so, how did I handle it? Would I do anything differently next time? Why or why not?
- 5. If this was a co-mediation, what did I learn from that process?
- 6. Did I forget to use a skill or technique that might have been helpful? How would it have assisted the parties? What might have changed if I had remembered to use it? How can I remember this in the future?



- 7. Did I forget to use a theory or knowledge that might have been helpful? How would it have assisted the parties? What might have changed if I had done that thing differently? How can I remember this in the future?
- 8. Did all my actions stem from the principles of mediation? Would I do anything differently next time?
- 9. What did I learn from this mediation? What is one thing I want to do better next time? How will I remember to work on it?
- 10. Is there a skill, technique, theory, or piece of knowledge that would have been helpful in this mediation? What might have changed if I had that skill technique, theory, or knowledge? How can I acquire it to use next time?



## **PROFESSIONAL DEVELOPMENT**

- 1. What is my sense of my progress and overall skills as a mediator? What makes me think that?
- 2. What skill and knowledge areas can I improve? How?
- 3. Are there additional skills I want to develop? Additional knowledge? How can they be acquired?
- 4. Do I practice humility, seek feedback on my performance, and stay abreast of changes in the field? How?
- 5. What awareness or attitude do I want to develop? How will I improve my understanding? How will I do that?
- 6. Can I improve my understanding of the principles of mediation? What specific principles? Why is this important? How will I improve my understanding?
- 7. Can I improve my understanding of mediator ethics? How?
- 8. What training(s) could I take that would enhance my skills as a mediator? How would I use the information/skills learned in future mediations?
- 9. What learning goals do I want to set for my next mediation? How will I know I've achieved my goals? If I achieve my goals, what will be different in my mediations?

# ***PENNIES FOR YOUR THOUGHTS***

Use this space to journal about a mediation, record interesting moments or thoughts, or answer Questions for Exploration.

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