

Beyond Basic Training: A Model for Developing Mediator Competence

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This article examines the effectiveness of a model system, developed under the auspices of the Ministry of Justice in Israel, for furthering the training of mediators. The model emphasizes training through practical experience and development of critical self-assessment abilities, allowing individuals to recognize their personal strengths and weaknesses. The research concludes that there is a vital need for continuous training to facilitate both professional and personal growth of mediators.

There is a prevailing belief today that ways must be devised to ensure the professionalism and high standards of mediators. To this end, the National Center for Mediation and Conflict Resolution in the Ministry of Justice in Israel developed a training model emphasizing practical experience in mediation management and feedback for mediators who have completed a basic mediator-training course. The purpose of this research was to examine the effectiveness of the training model and its contribution to mediator competency. The participants' knowledge and skills were measured at the start and end of the program. Using self-assessment methods, the study also examined the mediators' self-awareness as a further indication of professionalism. The findings indicate that the knowledge and skills of the participants did increase during the program, and relatively high assessment was given for most skills on its completion, on the basis of the

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instructors' reports and the mediators' self-assessments. Some increase in the participants' self-awareness of weaknesses was also achieved.

It should be emphasized here that although there were similarities between the mediators' self-assessments and the instructors' assessments, there were noticeably larger discrepancies regarding assessment of empathy and neutrality skills. Although the improvement in the mediators' knowledge and skills attributed to participation in the program supports the efficacy of the training model, the low level of self-awareness of the participants indicates that their reflective thinking was not developed enough to make a realistic examination of their own weaknesses and strengths. Participants could be characterized as taking their first steps in the journey to self-awareness.

Mediator Training Processes: Principles, Goals, and Limitations

The recent transformation of mediation into a legitimate and preferred option in conflict resolution has given rise to the need for further deliberation on how to ensure mediator professionalism. Inadequately trained mediators jeopardize the status of mediation as a profession and may cause irreversible damage, eroding the public's belief in mediation as an alternative to legal proceedings (Black-Branch, 1998).

Christopher Honeyman (1995) developed an assessment model based on mapping skills such as information gathering, empathy, stress alleviation, problem solving, expression, persuasion, managing the process toward agreement formation, managing party interaction, and so on. The mapping has served numerous processes in mediator training and assessment, and spurred the growth of additional models, resulting in the broadening of basic categories and inclusion of additional standards.

In addition to defining the knowledge and skills that mediators must acquire, recent literature and practice has also attempted to characterize the requisite stages in professional training of mediators (Hixson and Tinzmann, 1990).

According to Hoffman and Bowling (2002), mediators' professional development should incorporate three principal stages: basic skills acquisition, definition of personal and professional boundaries, and development of self-awareness. During the first stage of internship, experienced colleagues supervise the novices. In the second stage, the participants develop more in-depth understanding of the nature of the mediation process and refine their basic skills. The third stage sees a gradual, continuous change in which mediators

focus on their personal and professional growth, developing self-awareness of their performance level and their unique attributes.

The importance of appropriate training to ensure the efficacy of each stage has been extensively discussed in recent literature (Bronson, 2000; Harges, 1997; Honeyman, 1999; Neilson and English, 2001). Over the past decade, several basic requirements have been defined to guide training process planning and features. In the United States, differences do exist among the various states regarding qualification requirements for court mediators; some states require an academic degree in addition to the basic mediation course (Harges, 1997). However, there is a consensus regarding the need to incorporate practical mediation management in real cases as an integral component of the training program. For example, the Society of Professionals in Dispute Resolution (1989) mandated participation in practical mediation training programs and even relevant experience for one to be included in the organization's mediator roster. Another principle addresses the need for supervision by an experienced mediator (Bryson, 1998).

Regardless of the extensive literature focusing on standards for mediator development, empirical research does not refer to the development and training that transforms a mediator from a "novice" to an "expert" (Lang and Taylor, 2000), and it has yet to define what constitutes adequate professional training in the advanced stages (Harges, 1997). Currently, the limited training of mediators is generally insufficient to guarantee quality mediation services. Honeyman (1999) points out that because mediators are required to undergo only a minimal number of training hours, the field is flooded with abysmal mediators whose "dazzling diplomas" are not enough to make them professionals.

The Need for Assessment of Mediators

Adequate training is undoubtedly vital, but efficient assessment procedures are also needed to ensure that mediators meet required performance standards. One of the problems confounding theoreticians and practitioners alike is finding the most appropriate tools for gathering relevant information. This requires in-depth analysis of the efficacy, advantages, and unique features of each tool. For example, examination of a mediator's success rate (mediation settlements) focuses on results but does not produce a complete picture of the process or quality of the settlement.¹ In contrast, even though an assessment involving a simulated mediation does demonstrate satisfactory prediction, it is expensive, can be unwieldy, and is not always applicable

(Harges, 1997). It is likely that none of the assessment tools frequently mentioned in professional literature complies with the required range of standards: feasibility, validity, reliability, usability, and fairness (Rossi, 1982; House, 1980). Another typical drawback of most tools is limited use of the formative role, designed to provide feedback that promotes personal and professional development of the mediators (Honeyman, 1995).

Self-Assessment to Facilitate Mediator Self-Awareness and Professionalism

Adoption of self-assessment methods could be the answer to the need for an increased use of the formative role. Honeyman (1999) lists their contribution to the professionalism of mediators, minimum cost, and compliance with additional standards of feasibility. Self-assessment could be used as an auxiliary method enabling performance of a variety of assessment roles. It could, according to Lang (1998), increase awareness and even help develop more profound insights into the nature of mediation. Mediators using self-assessment methods during their certification process in British Columbia, Canada, reported they were able to learn through experience, develop self-awareness, and become more professional (Neilson and English, 2001).

Self-assessment methods are often used to expose reflective thinking patterns and give evidence of mediators' professional development (Bronson, 2000). At a later stage of their professional training, mediators develop the ability to define their skills through constant self-reflection (Lang, 1998). The reflective process involves several stages: speculation about an observed phenomenon, experience, rethinking the act or the adopted measures, definition of the problem, drawing conclusions about alternative actions, and eventually development and examination of new perspectives (Schön, 1987). Reflective thinking refers to the ability to assess the results and possible ramifications of a decision. Reflective mediators do not "gather" various skills but instead develop an awareness that helps them adapt their strategies to the unique features of a given mediation (Lang and Taylor, 2000). They ask themselves: "Could I have responded differently at any stage of the mediation?" "What additional skills do I require?" "How can these skills be acquired?" Professional mediators are usually characterized by reflective thinking patterns and a high degree of self-criticism. The ability to listen to their inner voice and unhesitatingly critique their actions is believed to contribute to constant improvement in their performance (Kaufman, 2003; Bronson, 2000; Neilson

and English, 2001). Development of reflective thinking might help mediators make inferences and spur personal and professional growth.

From analysis of the literature review, a number of questions were raised:

- Which components should be included in training processes designed to make mediators more professional?
- How can the potential inherent in the feedback component be fulfilled?
- Which processes best contribute to development of awareness and reflective thinking patterns?

These questions guided the design of a training model based on conducting mediation sessions with real (not simulated) clients.

Development of a Training Model and Practicum Program

In 1999, the National Center for Mediation and Conflict Resolution in the Israeli Ministry of Justice (NCM) initiated and managed an ongoing practical mediation training program involving mediation cases in a small-claims court. The program was part of an extensive effort in Israel to improve the quality of mediators. As a result, various criteria for practical training in mediation were formulated and published in 2001 (Datner and Foux-Levy, 2001).

The view held by the National Center for Mediation was that the course requirement for the court mediation roster is essentially just the start of a mediator's professional training, introducing basic mediation knowledge and initial experience in practicing mediator skills. Upon completion of the basic training course, mediators must continue to hone their skills and gain experience mediating actual cases while under supervision. In addition, mediators should be introduced to current research literature on mediation in order to broaden their professional knowledge. They should become aware of their own role in the mediation process, participate in advanced training, gain experience in complex cases under the supervision of an experienced colleague, and develop professional knowledge in various specialized fields. In fact, there is growing support among mediators in Israel for long-term training for professional development.

Goals of the Practicum Program

Four goals were set:

1. Broaden professional knowledge in relevant content domains.
2. Develop the basic skills necessary to manage mediation proceedings.
3. Develop a philosophical approach as a mediator.
4. Examine one's suitability to be a mediator.

Augmenting Professional Knowledge. An integral part of the mediator's professional development is acquisition of theoretical knowledge of mediation. Basic training courses present only rudimentary knowledge, while further professional knowledge can be acquired and deepened only with practical mediation experience and continuing education.

Through practical training, novices can gain experience in actual mediation cases; they can broaden their professional knowledge by learning from an experienced mediator, as well as by reading relevant literature and attending forums that discuss questions and dilemmas encountered by professional mediators.

Skills Development. Whereas students are exposed to a limited number of mediator skills in the basic training course, practical training gives them an opportunity to develop and refine all necessary mediator skills.

Forming a Philosophical Approach as a Mediator. Developing a philosophical approach as a mediator is the result of expanding professional knowledge. Mediators must undergo a self-examination process and develop a unique set of values as well as awareness of their personal perceptions regarding various approaches in mediation.

Examining Suitability to be a Mediator. Suitability can be examined only during actual mediation. Hands-on experience enables students to evaluate their choice to become a mediator as well as their abilities and limitations.

Components of Practical Training in Mediation

Participants in the program were required, as a general component of training, to attend all study sessions ("workshops"), combining practical experience and theory with homework assignments designed to streamline the learning process. Topics included an introduction to the program and its

framework, review of the basic mediation course contents, bringing the parties to mediation (“case coordination”), giving and receiving feedback, settlement in mediation, conflict in small-claims court, relevant laws, and the justice system. Practical experience included mediation of small-claims cases, observation of mediation conducted by others, and mediation coordination.

Mediators were required to document at least three mediation proceedings, forming a basis for discussion. They also had to record their own actions in every aspect of practical training in a “personal journal.” This underscores a critical principle in the training model: development of awareness of how theoretical perspectives are manifested during mediation.

In terms of individual feedback, mediators received comprehensive oral feedback halfway through the program and both oral and written feedback upon completion. They also received oral feedback after each mediation session, from the instructors and the other observing mediators.

Hypotheses

This research examined the effectiveness of the mediator-training model. Four research hypotheses were formulated:

Hypothesis 1

The mediator’s level of knowledge and skills will be higher after completing the practical training program.

Hypothesis 2

The assessments of skills upon completion of the program will be generally high. However, the mediator’s self-assessment will be higher than the instructors’ assessments.

Hypothesis 3

Differences between self-assessments and instructors’ assessments will be greater for skills that are difficult to foster and require authentic behavioral expression (for example, neutrality and empathy).

Hypothesis 4

The mediators will develop an initial awareness of some of their weaknesses, but there will be a low level of agreement between instructors and mediators regarding both strong and weak skills.

Research Methodology

Mediators from a court-annexed program in Israel participated in this research to assess the impact of training and instruction on mediation practice.

Research Population

Novice mediators who had completed a basic sixty-hour course were chosen. Strict care was taken to include a range of mediators with backgrounds in law, psychology, social work, and social sciences. The research studied three rotations of the program. The first was a pilot in a small claims court in Tel-Aviv. Here the first research hypothesis was examined using 18 mediators and 6 instructors. In light of its success, the NCM then expanded the scope of the program to other courts across the country (in Hadera, Acre, Nazareth, Haifa, Jerusalem, Ashdod, and Ashkelon). Hypotheses two through four were examined in larger samples. In the second rotation (hypotheses two and three) the sample included 34 mediators and 12 instructors, while in the third rotation (hypothesis four) the sample included 121 mediators and 42 instructors.

Tools Assessing Mediator Performance

Three measures were used in this study: questionnaires for mediators, questionnaires for instructors, and interviews with instructors.

Mediator Questionnaires. Version one of the mediator questionnaire, using a Likert scale, was designed to examine the mediators' perception of skill level. In the first phase, seventy-five essential skills were formulated and submitted to the judgment of twenty experts (experienced mediators, mediation course instructors, and NCM directors). They were asked to categorize the skills by ten parameters: information gathering, expression of empathy, maintenance of neutrality, stress alleviation, creating options to resolve conflict, party interaction management, communication, management of discussion to reach a settlement, solo mediation, and co-mediation.² Skills for which the experts could not reach a consensus were deleted. The final questionnaire included sixty skills agreed on by a majority of the experts (agreement percentage ranged between 85.7 percent and 100 percent). The mediators were asked to rank their skill level on a scale of 1–5 (1 = very poor, 5 = very strong). The questionnaire also included seven items of knowledge: theoretical approaches to mediation, historical

development of mediation, ethics and codes of behavior in mediation, introducing mediation into the courts, mediation strategies, interpersonal communication, and approaches to conflict resolution. For each item, mediators were asked to assess the extent of their knowledge by choosing one of five responses ranging from 1 = “I have no knowledge” to 5 = “I have extensive knowledge.”

The level of the mediators’ knowledge and skills was examined through self-assessment. To ensure questionnaire compliance with standards of scientific accuracy, emphasis was placed on a test of its reliability. Each parameter was tested for internal consistency. The reliability coefficients (Cronbach’s α) obtained were rather high (the reliability coefficients ranged between 0.71 and 0.92).³

Version two of the questionnaire was designed to help mediators realistically report their strengths and weaknesses at the end of training. The mediators were given a list of ten parameters, again chosen on the basis of the research literature. Each mediator was asked to mark three parameters of strength and three weaknesses. Several measures were taken to guide the mediators, enabling them to be more candid and “admit” to difficulties. For example, the opening paragraph noted that acquisition of a large number of skills requires a lengthy training period, and therefore mediators would be expected to require additional guidance. The use of positive language (“additional guidance” instead of “difficulties” or “weaknesses”) was intended to enable the mediators to report their difficulties more realistically while preventing excessive self-praise.

Instructors’ Questionnaire. The instructors’ questionnaire, also using a Likert scale, was designed to measure the instructors’ views of mediator skills. The instructors were asked to assess the mediators’ skill level by selecting one of five responses, ranging from 1 = “poor skills” to 5 = “top-quality skills.” They also had to assess the degree of improvement for each of the mapped parameters by selecting one of five responses, ranging from 1 = “no improvement at all” to 5 = “significant improvement.” Instructors were given a complete list of skills involved in mediator assessment.

Instructor Interviews. A semistructured interview enabled investigation of the instructors’ perceptions on giving and receiving feedback. Interviews were conducted with seventeen experienced instructors, some with a legal background and others who worked in psychology, social work, or social sciences. The categories used to develop the interview were derived from the guiding principles underlying the training model. Only initial questions

were formulated and instructors were asked additional questions depending on their responses, in order to characterize their perception of the most common difficulties involved in providing feedback to the mediators.

To maintain maximum objectivity, the instructors' statements during the interview were recorded verbatim, without any editing, processing, judgment, or categorization. The interviewer's self-reflection (which also incorporated impressions, comments, and interpretations) was recorded separately. The content analysis was based on categories derived from the principles underlying the training model, and even from the qualitative material itself. The validation method adopted for the findings of the content analysis was judgment by experts, carried out separately by two experienced instructors who practice mediation.

At the stage of data analysis, the two experts were asked to classify the instructors' responses into defined categories. The rate of agreement between the experts and the main researcher ranged from 78 percent to 87 percent.

Data Collection

In the program's first rotation, mediators completed self-assessment questionnaires on their knowledge and skills at the start and end of the program. In addition, instructors completed questionnaires regarding improvement of the mediators' skills upon completion of the program. In the second and third rotation of the program, the instructors and mediators completed only one questionnaire upon completion of the program. Interviews were conducted with instructors to characterize their perception of the most prevalent difficulties.

Findings

This section discusses the findings according to the research questions and their derived hypotheses.

Hypothesis one refers to the influence of practical training on the level of the mediators' knowledge and skills. Significant differences were established between the level of the mediators' knowledge and skills at the beginning and end of the program. These findings are presented in Table 1.

Table 1 reveals significant differences in the average at the start and end of the program regarding both knowledge and mediation skills.

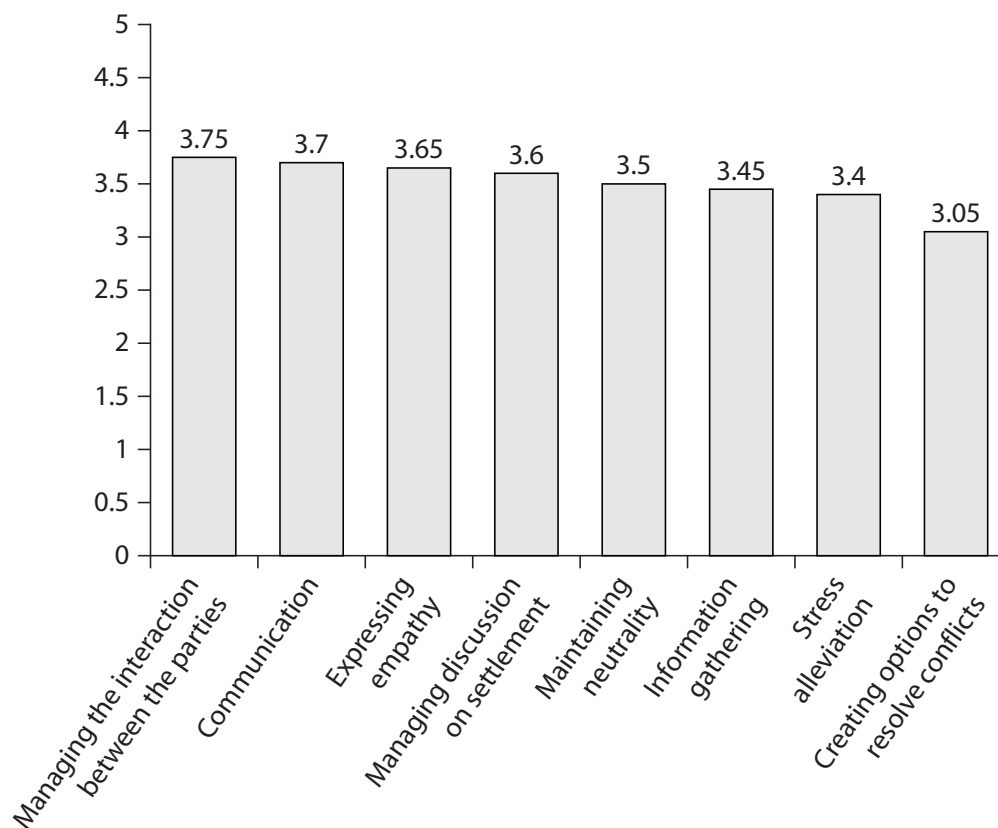
Improvement in mediator skill was also examined through instructor assessment. The findings indicate a moderate to high degree of improvement in mediation skills (average improvement 3.51 on a five-point scale).

Table 1. Self-Assessment of Knowledge and Skills

| | <i>Beginning of Program</i> | | <i>End of Program</i> | | <i>t</i> |
|---------------------------------------|-----------------------------|---------------------------|-----------------------|---------------------------|-------------------|
| | <i>Average</i> | <i>Standard Deviation</i> | <i>Average</i> | <i>Standard Deviation</i> | |
| Knowledge in relevant content domains | 3.39 | 0.44 | 3.70 | 0.36 | 2.31 ^a |
| Mediation skills | 3.59 | 0.30 | 3.99 | 0.25 | 4.34 ^b |

Note: ^a $p < 0.5$; ^b $p < 0.1$.

Figure 1. Instructors' Assessments of Improvement in Mediators' Skills



The low standard deviation received (0.22) shows tremendous homogeneity in the instructors' responses. Figure 1 presents findings regarding the extent of improvement reported by the instructors in each of the parameters examined.

Hypothesis two addresses the level of mediators' skills upon completion of the program on the basis of instructors' and mediators' assessments, and the potential differences between the mediators' self-assessment and

Table 2. Level of Skills Reported by Instructors and Mediators

| | <i>N</i> | <i>Level of Skills Reported by Instructors</i> | | <i>Level of Skills Reported by Mediators</i> | |
|----------------------------------------------|----------|------------------------------------------------|-------------|----------------------------------------------|-------------|
| | | <i>Average</i> | <i>S.D.</i> | <i>Average</i> | <i>S.D.</i> |
| Information gathering | 34 | 4.03 | 0.63 | 4.28 | 0.51 |
| Expressing empathy | 34 | 4.18 | 0.80 | 4.60 | 0.45 |
| Maintaining neutrality | 34 | 4.18 | 0.67 | 4.54 | 0.50 |
| Stress alleviation | 34 | 4.00 | 0.88 | 4.30 | 0.57 |
| Creating options to resolve the conflict | 34 | 4.03 | 0.76 | 4.20 | 0.58 |
| Managing the interaction between the parties | 34 | 4.21 | 0.69 | 4.38 | 0.49 |
| Communication | 34 | 4.18 | 0.67 | 4.51 | 0.50 |
| Managing the settlement discussions | 34 | 4.15 | 0.78 | 4.34 | 0.56 |
| Solo mediation | 27 | 3.44 | 1.25 | 4.18 | 0.92 |
| Co-mediation | 34 | 4.18 | 0.63 | 4.09 | 0.71 |
| Total | 34 | 4.06 | 0.60 | 4.34 | 0.47 |

the assessment reported by the instructors. These findings are presented in Table 2.

Table 2 reveals that the mediators' self-assessments of skills were higher than those from the instructors for all skills tested, with the exception of co-mediation. Expression of empathy and maintaining neutrality showed the highest differences.

In addition to calculation of averages and standard deviations, a MANOVA was used to examine the significance of the differences between the mediators' self-assessments and the instructors' assessments. The findings of this analysis indicate the existence of significant differences ($F = 4.60$, $df = 1,26$, $p < .05$). These findings support hypothesis two.

According to hypothesis three, larger differences exist between the mediators' self-assessment and the instructors' assessments regarding skills that are difficult to foster and require manifestation of authentic behavior (for example, neutrality and empathy). A two-way analysis of variance was conducted to examine the existence of a significant interaction between the independent variables (the assessor factor times the type of skill with repeated measures). Table 3 presents these findings.

Table 3. A Two-Way Variance Analysis of the Mediators' Self-Assessments and Instructors' Assessments, by Type of Skill and Assessor Factor

| <i>Source of the Variance</i> | <i>df</i> | <i>MS</i> | <i>F</i> |
|---------------------------------------|-----------|-----------|-------------------|
| Assessor factor | 1 | 10.45 | 4.60 ^a |
| Types of skills | 9 | 1.46 | 5.18 ^b |
| Assessor factor times types of skills | 9 | 0.71 | 3.93 ^b |

Note: ^a $p < 0.05$; ^b $p < 0.01$, $df 9, 112$.

Table 4. Percentage of Mediators who Reported the Need for Additional Guidance for Mediation Skills

| <i>Skill</i> | <i>Percentage</i> |
|----------------------------------------------|-------------------|
| Information gathering and processing | 48.7 |
| Expressing empathy | 4.1 |
| Maintaining neutrality | 3.3 |
| Stress alleviation | 4.9 |
| Creating options to resolve conflict | 22.3 |
| Managing the interaction between the parties | 52.9 |
| Communication | 16.5 |
| Managing the settlement discussion | 11.6 |
| Co-mediation | 28.1 |

Note: Total does not add up to 100 percent since each mediator reported on three parameters that required additional assistance.

Table 3 shows significant discrepancy in assessment of skill level depending on who is assessing and the skill being assessed. To determine which skills had the larger differences, we used Bonferroni's post hoc analysis.⁴ The analysis indicates significant differences for three skills: expression of empathy ($p < 0.05$), maintaining neutrality ($p < 0.05$), and solo mediation ($p < 0.01$). These findings support hypothesis three.

Hypothesis four refers to the influence of feedback on the development of mediator self-awareness. The findings regarding the percentage of mediators who developed awareness of their weaknesses and reported the need for additional guidance are presented in Table 4.

Approximately 50 percent of mediators reported the need for further guidance for skills referring to information gathering and processing and

management of interaction between the parties. However, an extremely low percentage reported the need for further guidance for skills involving expression of empathy, maintenance of neutrality, stress alleviation, and management of a settlement discussion.

Discussion and Conclusions

This section analyzes the research findings for each key hypothesis. The first is the influence of the program on the improvement in the mediators' level of performance. There was significant improvement in their level of knowledge and skills according to their own reports, and a moderate to high level of improvement from the instructors' assessments. These findings offer evidence regarding the efficacy of the basic principles underlying the training model, of which one is the close relationship between mediation theory and the various issues manifested in practice.

Another key principle of the training model is gaining experience through mediating real cases. We should emphasize that most of the practical experience gained (five of the six mediation cases required) consisted of solo mediation or co-mediation with another novice mediator. This experience (compared, for example, to mediation simulation) can be assumed to foster learning and development of the requisite skills. The premise is that this type of experience "forces" mediators to cope with incidents from the real world on their own, thus contributing to reported improvement in their skills. Although there is not sufficient empirical research to define exactly what is required for adequate mediator training, the importance of practical training is widely acknowledged and has become an integral part of mediator training in a number of academic programs.⁵

The second hypothesis refers to the level of the mediators' skills at the end of the program, and potential differences between mediator self-assessment and the instructors' reported assessments. The high level of skills reported by both mediators and instructors indicates that practical training is a successful extension of basic mediation courses.

Another aim of the program was development of self-awareness regarding the mediators' abilities, performance levels, inclinations, and personal traits. Here the findings indicate that the goal was not achieved and development of self-awareness might require longer training. This conclusion is compatible with other current research literature. For example, Lang

(1998) emphasizes that the ability of mediators to define their skills through constant self-reflection develops at relatively late stages of their professional development. Similarly, in the model proposed by Hoffman and Bowling (2000), the third stage of professional training refers to gradual changes that do not necessarily stop with completion of formal training. At this stage, mediators focus on continuing their personal and professional development and increasing self-awareness of their performance level (and even their unique traits). Although the practical mediation training program facilitates developing and honing skills acquired in the basic training courses, its current format does not ensure maximum development of self-awareness.

One question examined in this research refers to the relationship between type of skill being fostered and mediator's level of awareness. The findings indicate that the differences between the instructors' assessments and the mediators' self-assessments were significantly greater for skills pertaining to maintenance of neutrality and expression of empathy. This coincides with the fact that the percentage of mediators reporting the need for further assistance for these skills was extremely low, whereas the percentage reporting the need for additional assistance for other skills was higher. We can conclude that the mediators' level of self-awareness regarding these skills was indeed lower, and they tended to overestimate their skill level in these areas of functioning.

To enable systematic analysis of these findings, we focus here on the inherent difficulties in displaying neutrality and empathy skills, and the degree of mediators' awareness with regard to how they are perceived by others. These difficulties are discussed separately for each skill, starting with neutrality skills.

Recent literature reveals a growing consensus that neutrality is a skill mediators find difficult to develop (Hoffman and Bowling, 2002; Garcia and others, 2002; Honeyman, 1995), and parties sometimes report bias and partiality manifested in the mediation proceedings (Garcia and others, 2002). This could be attributed to the fact that neutrality depends on personality traits that are more difficult to change during a training course (for example, mediators who tend to be judgmental might encounter difficulty in developing this skill). Mediators might be perceived as biased if they empower one party and not the other (Tjosvold and Van Vliert, 1994; Regehr, 1994; Barsky, 1996; Neumann, 1992). Inefficient use of empowerment can make it difficult for the party receiving less attention to believe in the neutrality of the mediator. The strategies used to empower a party with

less knowledge, power, or status might be perceived by the other party as biased (Matz, 1994; Barsky, 1996). Neutrality can be affected in other ways, as when mediators allow the first narrative of events to become the dominant one. In such a case, the mediator does not manage to help the second party successfully narrate an “alternative story” or refer to both “stories” as legitimate ones that reflect the differing perspectives on the conflict. It is not surprising that such failure generates feelings of mediator bias among the parties.

Empathy is another skill with which mediators have difficulty. There is a growing belief that emotional components are inherent in all conflict (Barker, 2003). Mediators require emotional literacy to recognize and acknowledge the emotions of the parties involved. Empathic references to the parties’ emotions can create trust in the mediator, facilitating a more focused attempt to deal with relevant issues. Ignoring the emotional aspects that underlie a conflict can cause the mediation to fail (Domenici and Littlejohn, 2001; Barker, 2003). There is general acknowledgment that the processes involved in conflict resolution require mediating skills deriving from emotional intelligence, particularly empathy and self-awareness (Schreier, 2001). In this context, the concept of self-awareness refers to the mediator’s ability to conduct “internal introspection” without fear, and to cope effectively with one’s own and others’ emotions.

Although the ability to deal with the parties’ emotions is a prerequisite for conflict resolution, current training processes do not give mediators the necessary skills (Barker, 2003). As a result, many mediators prefer to focus on creating a dialogue based on rational, logical thinking, completely ignoring the emotions at the heart of the conflict. They also find it difficult to develop necessary awareness of their own level of empathy and neutrality during mediation (Garcia and others, 2002; Munn, 2001; Stone and others, 1999). This is compatible with findings regarding the difference between mediator self-assessment of skills and how the mediator is perceived by others. It is important to emphasize that although mediators see themselves as neutral, their behavior is sometimes seen by the parties as biased (Munn, 2001). In the same way, mediators reporting a sense of empathy during mediation were considered by the parties as unfriendly and distant. These differences can be explained by the fact that mediators have difficulty expressing the empathy they experience.

The reason for the reported differences regarding hypothesis three lies perhaps in the special interaction between mediators’ conceptions, their

behavioral patterns, and the perceptions of the instructors when dealing with empathy and neutrality skills. Proper mediation management, manifesting expressions of neutrality and empathy, requires that appropriate behavior be consonant with true feelings. However, it is difficult to be aware of the authenticity of one's behavioral interventions regarding these particular skills. Authentic manifestation appears to be less necessary for other skills for which greater awareness can be developed with relatively less effort. The mediators' inability to develop the required awareness of empathy and neutrality-related skills may also be explained by cognitive dissonance theory (Festinger, 1957). The mediators resisted feedback messages because they contradicted prior perceptions and self-image as a mediator. Since being empathic and neutral is a basic requirement for mediating, it was unlikely the mediators could "admit" to not mastering these skills. They were more likely to reinterpret the instructors' feedback messages and convince themselves that they had been empathic and neutral all along. Additional research is necessary to explore systematically the processes by which empathy and neutrality skills can be acquired.

The last question focused on the influence of feedback on development of mediator self-awareness. The findings indicate development of a partial awareness of weaknesses, and it appears that use of the revised assessment tool⁶ does encourage more penetrating observation of weaknesses, allowing mediators to admit to various difficulties and need for additional guidance. This indicates initial formation of reflective thinking patterns. It can reasonably be assumed that documentation of mediation processes enabled an intimate encounter between the mediator and himself, facilitating an internalization of some of the feedback messages and encouraging development of initial awareness. The relevance of the findings is that they support the necessity of a feedback component in mediator training (Bryson, 1998; Hoffman and Bowling, 2000).

Strategic planning is vital to increase the efficacy of the feedback component and facilitate development of mediators' awareness, growth, and progress. With this in mind, the instructors' conceptions regarding difficulty in giving and receiving feedback were also studied. Instructors revealed that the feedback messages were often seemingly understood, without any profound, significant internalization. Interestingly, references to the cognitive processes of receiving feedback were touched on, although not explicitly mentioned. Analysis of the instructors' perceptions reveals that there are complex processes in giving and receiving feedback.

One of the most important aspects of mediator professionalism is the ability to reflect upon the mediation proceedings (Kaufman, 2003; Neilson and English, 2001; Bronson, 2000). Using an internal dialogue, reflective mediators ask questions such as “What other skills do I require?” “How can I acquire these skills?” and so on. The instructor’s role is to encourage an interaction enabling active construction of the required awareness, from a continual dialogue between mediator and peer, and mediator and instructor, leading the mediator to arrive at new personal insights. Feedback should be perceived as a developmental, dynamic, multidimensional, and interactive process that cultivates mediators and encourages personal and professional growth.

In conclusion, the research findings give additional support to the importance of supervised real-case mediation proceedings as part of the mediator training process. The process must include inherent elements of practice, as well as discussion of theoretical principles. Practical training enables development and refinement of skills acquired during basic courses, although it is not necessarily sufficient to ensure maximum development of self-awareness.

The findings of this research indicate that advanced training for mediators should include some compulsory modules in order to ensure that relevant skills are reinforced and mediator competency and standards are maintained. In addition, training should be an ongoing process, enabling mediators to continue their professional development regularly.

Notes

1. Advisory Committee on Conciliation in the Courts, 1998, p. 8.
2. Categorization of skills into various parameters was also based on relevant research literature. See, for example, Honeyman (1995).
3. The first questionnaire, which was based on the first ten mapped parameters, was also used at the end of the program’s second rotation. The reliability coefficient (Cronbach’s α) of the questionnaire was 0.91.
4. This analysis enables examination of the differences between assessments for each skill separately.
5. See, for example, the Institute of Applied Economics, University of North Texas; Center for Applied Conflict Management, Kent State University (Ohio); School of Law, Loyola University Chicago; and Moritz College of Law, Ohio State University.
6. More specific information regarding development of the assessment tool is presented in the Research Methodology section.

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