"FOR THE THINGS WE HAVE TO LEARN BEFORE WE CAN DO THEM, WE LEARN BY DOING THEM."

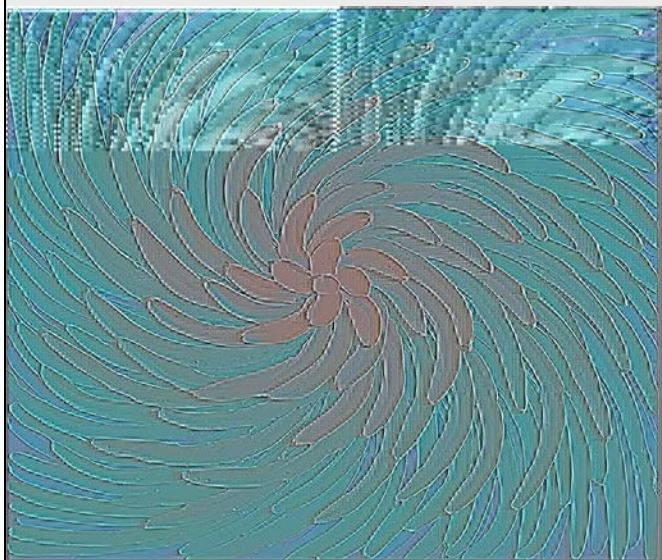ARISTOTLE, THE NICOMACHEAN ETHICS

Online Mediation Training Task Force

Forum on Experiential Training and Mentoring

May 14, 2021

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Welcome!!

In Chat,

Let us know where you're from, and about your ADR work.

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Our Time Together Today

- What Are Our Experiences in Learning?
- Best Practices Presentations
- Panel Discussion – Opportunities and Challenges for Online Learning Processes
- Visioning Optimal Online Learning Processes for Post-Training Learning (Apprenticeship, Mentoring, Reflective Practice)
- Summary and Next Steps

How do we learn to . . . .?
How do we transfer that learning to our work?
How do we scaffold that learning across our careers?
What are the possibilities for online learning to optimize that?

What Are Your Learning Experiences in ADR? -- Polls

1. Which conflict processes have you been formally trained in?

- mediation
- conflict coaching
- dialogue/circles
- restorative practices

2. What is/are your primary areas of practice

- workplace
- family
- community
- commercial
- conflict resolution education (k-12 or youth based)

3. What types of post-training learning processes have you participated in?

- internship/ apprenticeship
- mentoring
- reflective practice
- ongoing group learning (regular discussions on practice and skill development)
- advanced training

4. What types of post-training learning processes have you participated in Online or Hybrid?

- internship/ apprenticeship
- mentoring
- reflective practice
- ongoing group learning (regular discussions on practice and skill development)
- advanced training

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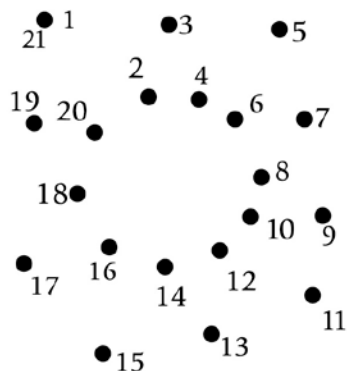|	INTERNSHIP/APPRENTICESHIP	MENTORING	REFLECTIVE PRACTICE	ONGOING GROUP LEARNING (REGULAR DISCUSSION/SKILLS DEVELOPMENT SESSIONS)	ADVANCED TRAINING	TOTAL RESPONDENTS
Mediation	43.08% 28	49.23% 32	49.23% 32	69.23% 45	63.08% 41	65
Conflict Coaching	17.24% 5	34.48% 10	41.38% 12	44.83% 13	34.48% 10	29
Dialogue Processes	26.32% 5	36.84% 7	47.37% 9	73.68% 14	31.58% 6	19
Restorative Processes	42.11% 8	21.05% 4	47.37% 9	52.63% 10	36.84% 7	19
Other (same as indicated earlier)	31.25% 5	50.00% 8	37.50% 6	62.50% 10	56.25% 9	16

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	PRIMARILY WITHIN THE FIRST YEAR AFTER FORMAL TRAINING	STEADILY WITHIN THE FIRST 5 YEARS AFTER FORMAL TRAINING	STEADILY THROUGH MY WHOLE CAREER (IF LONGER THAN 5 YEARS)	I HAVE NOT PARTICIPATED IN THIS LEARNING PROCESS	TOTAL
Internship/Apprenticeship	36.00% 18	14.00% 7	34.00% 17	16.00% 8	50
Mentoring	22.22% 10	20.00% 9	48.89% 22	8.89% 4	45
Reflective Practice	12.77% 6	10.64% 5	57.45% 27	19.15% 9	47
Ongoing Group Learning (regular discussion/skills development sessions)	17.24% 10	13.79% 8	62.07% 36	6.90% 4	58
Advanced Training	8.00% 4	18.00% 9	58.00% 29	16.00% 8	50

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	VERY EFFECTIVE	EFFECTIVE	NOT SURE	INEFFECTIVE	VERY INEFFECTIVE	NOT APPLICABLE (I DID NOT RECEIVE FORMAL TRAINING IN THIS PROCESS)	TOTAL
Internship/Apprenticeship	37.50% 18	29.17% 14	8.33% 4	0.00% 0	0.00% 0	25.00% 12	48
Mentoring	49.09% 27	36.36% 20	3.64% 2	0.00% 0	0.00% 0	10.91% 6	55
Reflective Practice	40.82% 20	28.57% 14	10.20% 5	0.00% 0	0.00% 0	20.41% 10	49
Ongoing Group Learning Processes (regular discussion/skills development sessions)	45.90% 28	44.26% 27	3.28% 2	1.64% 1	0.00% 0	4.92% 3	61
Advanced Training	41.38% 24	37.93% 22	10.34% 6	0.00% 0	0.00% 0	10.34% 6	58

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Some cautionary comments

Photo by Luca Ambrosi on Unsplash

Connecting the Dots and Expanding the Perspective

- How can we think more globally?
- How can we think more cumulatively?
  - How is our learning "compounding" over events and life development?
  - What is/should be the arc of professional development for our work?
- How can we think more comparatively? Strategically?
  - What learning works best in what contexts for what groups for what reasons?
- How can we think more culturally?

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Experiential Training, Clinics, Simulations and Video

sub-committee members

Bruce Edwards
  Edwards Mediation Academy; Strauss Institute for ADR, Pepperdine University

Douglas Frenkel
  University of Pennsylvania

Timothy Hedeen
  Kennesaw State University

Tricia Jones
  Temple University

Melissa Kucinski
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Julian Portilla
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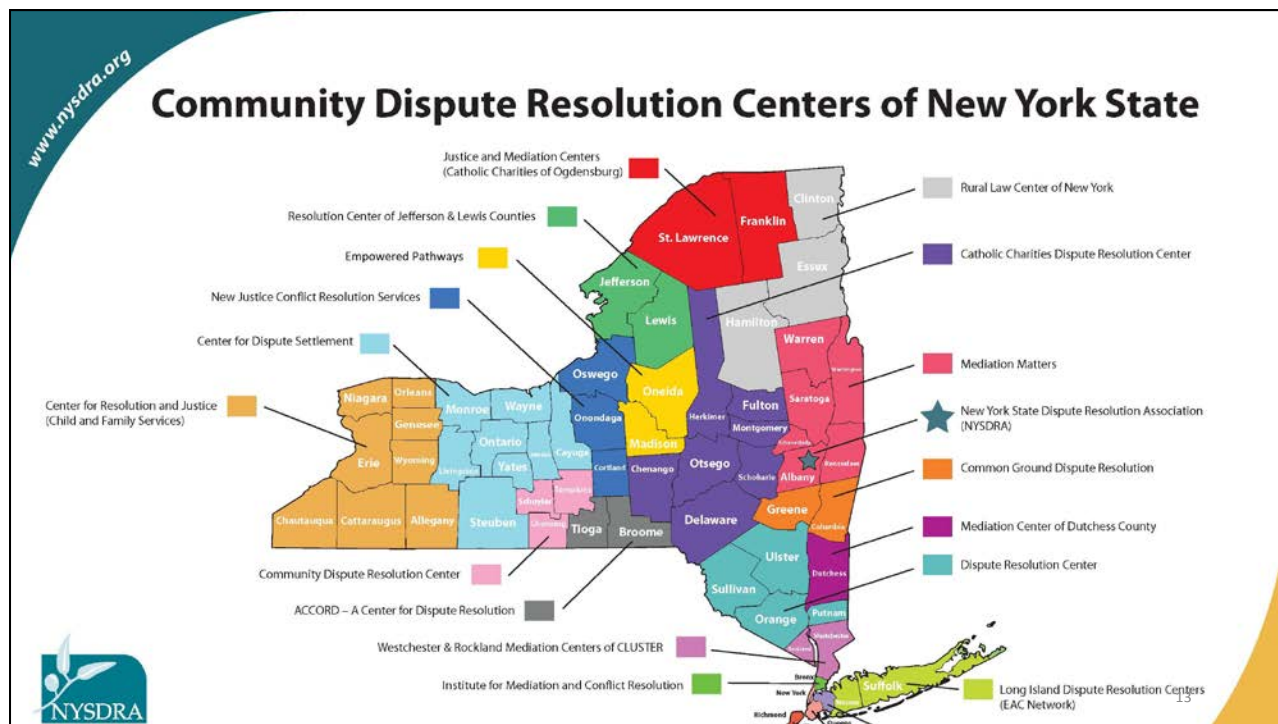
Lara Traum
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ADR ALTERNATIVE DISPUTE RESOLUTION

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Best Practices in Practitioner Development in New York's Community Mediation Centers

- Development of learning communities and relatedness among volunteers and with CDRC staff
- Apprenticeship:
  - Case observation and discussion
  - Practice on case simulations and feedback
  - Co-practice on live cases with experienced practitioners and debrief
  - Solo practice with professional observer and feedback
- Culture of Peer Debrief and Co-mediation
- Voice in continuing education and training
- Ongoing case observation
- Case work featuring pre-brief and post-case debrief

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Advantages of Online Technology

- A couple of concepts:
  - Transfer of Training
  - Learning Objectives: Knowledge, Skills, Mindset/Attitudes

- Integrating technology has the potential to improve skills development and the transfer of training:
  - Recording of practice sessions online
  - Increased access to cases has shortened time from training to practice and total length of apprenticeship (more reps, less time)
  - Diversity of new volunteers

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Challenges of Online Technology

- Attitude/Mindset training is not as effective. Mediation examples include:
  - Cultural humility
  - Implicit bias
  - Party Role Bias
  - Conflict "styles"
  - Advise versus Elicit

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Merri Hanson, MA
Peninsula Mediation and ADR; merri@peninsulamediation.com

- Department of Navy ADR program trainer and design consultant
- Provides mediation, facilitation, conflict coaching, and negotiation services and training for federal agencies, private corporations, and non-profit education organizations through the continental US, the Pacific, and occasionally in Puerto Rico and Mexico.

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Federal Sector Workplace ADR

- Administrative Dispute Resolution Act (1996) – requirements
- Mediation became prevalent ADR process
- Current proliferation of ADR Processes:
  - Mediation
  - Conflict Coaching
  - Group Facilitation
  - Ombuds

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Who Provides These Services?

- Aging pool of qualified providers
- Requisite experience skews to highly experienced neutrals (e.g. aging pool of providers)
- Almost impossible for "outsiders" to gain requisite experience

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Department of NAVY Program Example

- Always rates as one of the top three ADR programs among federal agencies
- Boasts having among highest resolution rates among federal agencies
- Has most robust internal ADR certification program in federal sector with contractor support
- Offers mediation, conflict coaching, and group facilitation
- Fiscal 2020-21 trained groups of both mediators and conflict coaches using virtual platforms

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Department of NAVY ADR Program Example

Approach to Development of Neutrals:
- Mediator and conflict coaching certification training (40 hours plus mock evaluation then minimum of three cases with in-house/ contractor mentors
- Mentoring approach is coaching plus behavioral feedback and ongoing neutral development and support
- Inclusive program: age and all other protected categories

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Adaptations to Virtual ADR and Mentoring

- Resisted preparing for anything other than face-to-face provision of ADR services
- Most agencies now have capability to perform ADR services on web-based platforms though efficacy of their web-based platforms continues to be a challenge
- Mentoring adaptations generally involve working with mentee to compensate for lack of immediacy cues, absence or change of other nonverbal communication behaviors, and other coordination and feedback mechanisms

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Greatest Ongoing Needs

1. Developing better tools to identify and vet potential neutrals
2. Preparing the next generation of ADR providers
3. Helping clients with mastery of web-based platforms
4. Educating users and neutrals on how to compensate for changed nonverbal information
5. Expanding the menu of ADR options beyond just mediation (e.g. conflict coaching)

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Some Quick Comments About Other Processes and Contexts

- Learning from CRE/Restorative Practices
  - Robust research on these learning processes and impacts
- Looking at Bridges of Development – How are youth continuing their conflict manager/management learning throughout their development?
- How are we thinking strategically about learning processes that build the field as well as the individual?
- How are we considering the impact of media as cause and context, not just learning platform in what we know and need to know as conflict managers?

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Advocating for Little "r" and Big "R" – A Great Opportunity

- We learn a great deal from our experiences as ADR professionals – what some may think of as "Little 'r'" – research
- But how well are we recording and reporting that? How can we honor this wisdom more fully?
- Time is ripe for a "Big 'R'" agenda for this work. We can serve our field better in this capacity. So much is possible!

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Online Mediation Training Task Force

Mentoring and Case Consultation Committee

Mediate
.com
everything mediation

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Mentoring and Case Consultation

sub-committee members

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Best Practices
Key Topic Areas

- Mentoring for professional developmental.
- Mentoring as gatekeeping (certification).
- Formal and structured or informal and spontaneous?
- Who receives mentoring?
- Who provides mentoring and in what context?
- What are the goals?
- What is the format or setting for mentoring?

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Mentoring as Part of a Practitioner's Developmental Process

Recently trained and novice practitioners seeking to develop knowledge and skills.

Experienced practitioners wanting to freshen skills and deepen knowledge.

Novice practitioners seeking advice about practice development.

Groups of colleagues building connections, learning from one another. (Communities of Practice; Reflective Practice Groups)

Internships and other connections to experienced practitioners.

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Who Provides Mentoring?

Mentors certified pursuant to a policy or program of mediator certification (Virginia)

Senior practitioners (observation; co-mediation; internships)

Approved mentors as part of a professional association (IMI's program for young mediators; MII)

By staff within a mediation practice or court program (Conflict Intervention Service; US District Court ADR Program)

Individual or group mentoring for a fee or as a benefit to members of a professional association (ABA; ACR; APFM)

Self-managed groups of practitioners (Communities of Practice)

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Threshold Questions

For the mentor

What is my role?

What is the objective?

Can I respond to and work with mentee's goals?

For the mentee

What am I seeking a mentor?

Have I identified my goals?

Am I willing to make the commitment?

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Best Practices

Goals and Expectations—Setting The Stage

Defining and agreeing on expectations; setting boundaries; establishing ground rules; affirming confidentiality

Mentor's role and responsibilities

Describe structure, format and model; build and sustain trust; maintain consistency and reliability;

Mentee's role and responsibilities

Identify and clarify learning goals; prepare; adopt a learner's mindset

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Patricia Draves

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- Mediator and Mediation Administrator for the Conflict Intervention Service (CIS) of the Bar Association of San Francisco (BASF), which specializes in landlord-tenant and general housing conflicts: www.sfbar.org/adr-services/cis.
- Since the program's inception over four years ago, Patricia has helped prevent homelessness in San Francisco through negotiation strategies, communication coaching and mediation in hundreds of cases
- At CIS her interest in creative play led to a mediation card game presented at ADR conferences
- She fell in love with Reflective Practice and works with Michael Lang and Susan Terry in reflective practice work.

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Susan Terry M.S.
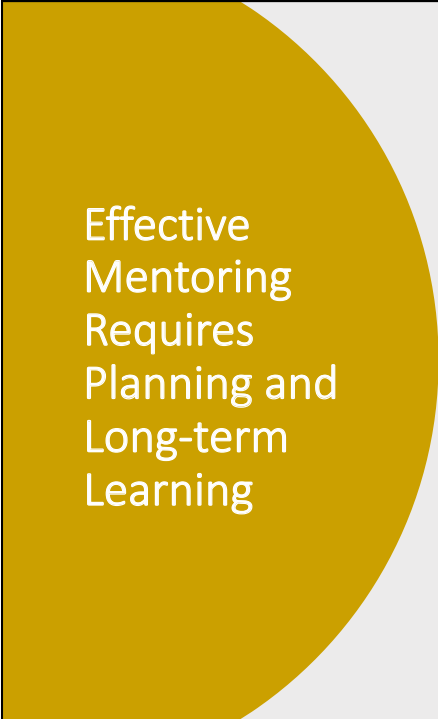### Mentorship of Family Mediators & Parent Coordinators

- Editor & contributor *More Justice, More Peace: When Peacemakers are Advocates,* (Boston: Rowman & Littlefield. 2020.)
- Co-editor of *The Practitioner's Guide Series*, Rowman & Littlefield. (2018-present)
- Case supervisor – Vermont Superior Court Family Mediation Program
- Interns
- Reflective Practice Groups – New practitioners and experienced
- ORION

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What is Mentoring? Additional Thoughts

- Welcoming and supporting those who we anticipate will be valuable members of our field.
- Helping our future competition to be well trained and prepared to take our place.
- Mentoring begins with training. supportive relationship
- the mentee has knowledge and expertise
- the mentor draws on that knowledge/ experience and adds new information
- The training itself sets a pattern of a cooperative endeavor that advances the new practitioner.
- Mentoring starts with job definition. Is it developmental (new practitioner, experienced but entering new arena of work, etc.)

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Effective Mentoring Requires Planning and Long-term Learning

Hit and miss mentoring without a plan is open to leaving holes in development. Part of a mentor's role is to assist the mentee in looking forward to a practice long learning process.

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ORION

- Mission – to prepare mentees to become family mediation practitioners and enter the field with confidence.
- Primary mentor – may also use others
- Structured levels moving from observation to solo mediation
- Multiple modalities – Occasional gatherings, phone/Zoom consults, document drafting & review, teaching occasions, etc.

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ORION

- Must have completed core training prior to entering program
- Receive the 100 hour level of field practice required to apply for the Vermont Superior Court Mediation Program.
- Certificate of professional supervised field work in Divorce and Family Mediation.

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We mentor because . . .
We can't take it with us.

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Norval "John" Settle

John Settle, MPA, JD, a long-time mediator and trainer specializing in workplace issues, is certified as a mediator and Mentor Mediator by the Supreme Court of Virginia. He has mediated for several programs of the US EEOC, and presently is a neutral for EEOC's WISE program. He was part of the team that developed Virginia's strong mediator mentoring program, and has mentored many apprentice mediators.

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Panel Discussion
Online Learning as a Tool for Transforming Experiential Learning, Mentorship and Reflective Practice

- What does online learning offer in your areas of ADR practice and how can we optimize it?
- What specific learning needs in your area of practice are particularly enhanced by online opportunities?

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Breakout Rooms

What is Your Vision of Optimal Online Post-Training Learning Processes?

- 15 minutes to discuss
- Need volunteer facilitator
- Need volunteer recorder
- Briefly introduce yourself (name, location)
- Vision!!
- Recorder -- Type vision elements and come back ready to paste them into chat

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After Today:
Post-Forum Survey
- ## Standards
- ## Next Steps

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