

MENTORING IN MEDIATION: *An Overview of Principles and Best Practices*

John Settle, MPA, JD, Certified Mediator

What is mentoring?

Much has been written on mentoring, often in the context of organizational and professional development. As distinguished from training and development activities generally, which commonly involve *group* learning and interaction, mentoring typically involves a *personal*, intensive relationship between a “mentor” and an individual (the “mentee” or “protégé”):

Mentoring relationships (mentorships) are dynamic, reciprocal, personal relationships in which a more experienced person (mentor) acts as a guide, role model, teacher and sponsor of a less experienced person (protégé). Mentors provide . . . knowledge, advice, counsel, support, and opportunity in the protégé’s pursuit of full membership in a particular profession. Outstanding mentors are intentional about the mentor’s role. They select proteges carefully, invest significant time and energy in getting to know their proteges, and deliberately offer the career and support functions most useful for their proteges. Mentoring is an act of generativity -- a process of bringing into existence and passing on a professional legacy.

The Elements of Mentoring, (Brad Johnson & Charles Ridley).

How is mentoring used in mediation?

Mentoring is one kind of important learning and developmental modes for mediators, including basic and advanced training of various kinds, group analyses of experiences, and peer consultation. It is part of the pursuit of excellence and ethical practice in mediation.

Usually, mentoring in mediation occurs in relation to observations or co-mediations of actual cases, although it can occur with parts or all of realistic role-plays.

Because of the intensity, confidentiality, and very individual pathways that mediation sessions may take, and the potential complexity of the mediation experience (an adage says “if you mediate 1000 cases, you’re still learning on the thousandth-&-first”), mediation mentoring particularizes learning and development to the unique experiences each case may display – as well as the very personal (sometimes sensitive) needs and experiences of a mentee. Thus, unlike other learning and developmental experiences, mentoring in mediation often is a *one-on-one experience between a mentor and a mentee* – even when it involves evaluations and recommendations disclosed to a certifying or oversight organization.

Although mentoring commonly occurs in personal, one-on-one relationships described above, some form of mentoring may also occur in more open settings like reflective practice groups, peer consultation, and supervisory oversight.

Some common settings where mentoring related to mediation occurs are:

- As part of continuing formal or informal opportunities for new (and experienced) mediators to choose to grow and learn individually, and for personal encouragement, affirmation and support. Opportunities may be provided by community centers, public agencies, communities of practice, internships or association with experienced practitioners, universities, and others.
- As part of “gate-keeping,” to assure competence and quality of services provided by the mediators chosen to be part of a provider’s program (or for certification by public agencies or professional associations). This may follow completion of required trainings, and be linked to observations of mediations and co-mediations with a mentor -- who may also evaluate the mentee. This may be for newly-trained mediators as well as experienced mediators newly joining a program.
- As part of a mediation program’s oversight to assure that its mediators continue to observe the principles of practice the program requires.
- As part of developmental or corrective action in response to complaints about mediator performance, behaviors, and violations of standards of conduct.
- As part of contributing to the overall culture of pursuing mediator excellence, and “continuous improvement,” by linking to development of education and training requirements, as well as practice and ethical standards.

Key principles of mentoring in mediation:

Because of the importance of the mentor role in development of apprentices and the pursuit of excellence in mediation, programs which use mentors should select their mentors carefully, based on their potential competence in areas discussed below and willingness to make the commitment. Not everyone wants to be, nor should be, a mentor.

Mentors often have approved status provided by governing bodies (public and private), court certification programs, and other entities.

Being a good mentor requires expertise as a mediator, PLUS additional training in mentoring skills. It should go without saying that mentor-mediators must be thoroughly trained AND experienced as mediators -- but no matter

how well-qualified one is as a mediator, to be a *mentor mediator* requires additional knowledge of mentoring *per se*.

Building that extra knowledge requires additional training in “adult learning” lore and matters such as:

- Dealing with implicit and other biases (the mentor’s/mentee’s, and those of parties’)
- Dealing with mentee’s confusion over perceived conflicts with prior training and other mentors’ observations).
- Particularizing “active listening” skills to the mentoring relationship.
- Encouraging mentee self-reflection and development of ideas.
- How to “model” behaviors, and make “case studies” of experiences.
- Appropriate use of stories and humor.
- Translating truthful feedback into positive and encouraging engagement.
- Prioritizing learning events.
- Dealing with mentee frustration or defensiveness.
- Dealing with mentee’s confusion over “conflicts” with prior training.
- Using “elicitive praise,” “learning questions”, and other devices.
- If mentoring under a specific program, being thoroughly knowledgeable about program expectations (including evaluation protocols and forms)

Note: Specific suggestions for mentor actions before, during and after a mentoring experience are contained in the paper entitled “Mentoring – Tips, Techniques and Best Practices,” found in the background materials of this report.

Attributes of a good mentor include:

- Possesses emotional intelligence, warmth, humility, patience, and a sense of humor.
- Knows his/her *preconceptions and limits*, and can work around them.
- Can resist a desire for “cloning.”
- Will meet time commitments and everyone’s expectations of the role.
- Has high personal expectations -- but not perfection.
- Willing to give “hard” messages (albeit tactfully and positively).
- Committed to good learning practices (see above).
- Open to (and can explain) different stylistic approaches, in addition to mentor’s preferences.
- Committed to eliciting and building on perspectives from mentees rather than merely advising or correcting them.
- Is effective at use of virtual (online) settings for mentoring and can help mentees do so as well.
- Willing to face challenges and take constructive feedback.

What to expect of a mentee:

- Can articulate thoughtfully why she/he want to mediate, and displays a basic understanding of the mediation process and values.
- Understands requirements of the program or setting which underlies the mentoring engagement.
- Understands the role and expectations of mentoring generally and of the assigned mentor in particular – and is willing to commit to these expectations.

- During mentoring, is prepared to practice and hone mediation skills learned during training at the level appropriate for the particular case, and as agreed upon with the mentor.
- Respects and values the insights and guidance of the mentor, and will follow the lead of the mentor during co-mediation.
- Works cooperatively with the mentor, including in pre-mediation and post-mediation.
- Dresses and behaves appropriately for the type of case and venue.
- Is prepared to debrief and discuss growth needs and opportunities in detail with the mentor after the mentored event.
- If trained in another discipline (law, counseling), is willing to integrate tenets and practices of that discipline with mediation's ethical and practice standards.
- Will comply with any requirements of a sponsoring program – e.g., agreement-drafting; number of required mentored engagements; and any additional training or further mentoring required beyond the basic minimum.

“Contracting” around mentoring:

A Mentor and Mentee should engage before the mentoring event. Both need to discuss, understand and agree concerning:

- What is the purpose of this mentoring relationship?
- Do both mentee and mentor understand each other's role and the expectations each has of the other?
- Is this a good match?
- What is the mentee's occupational background, training, and mediation experience so far?
- Does the mentee have any preconceptions drawn from other disciplines or personal experiences that should be managed?
- Are there any external organizational expectations mentor and mentee need to be aware of (timing, paperwork)?
- If known, what are key elements and potential issues of the upcoming case?
- Are there areas of focus or specific actions that have been identified for the mentee to practice – including by prior mentors?
- What are the plans for dividing responsibilities and air time?
- Do they have “signals” to indicate time for a break, etc.?
- What are the date/time plans for post-case de-briefing, if it doesn't occur immediately?

Interaction principles to observe during mentoring:

- The mentor should empower the mentee to conduct as much of the mediation as is reasonable, consistent with the mentee's needs and experience so far – However: When mentoring in actual cases, **both mentor and mentee must understand that the needs of the PARTIES in a case take precedence over the dynamics of the case as a mentoring opportunity, and that the mentor will step in as needed.**
- The mentor should encourage mentee self-reflection and questions.
- In de-briefing, mentor and mentee should seek examples of events and “difficult passages” in the case to reenact or deconstruct for discussing lessons learned and alternative approaches.

- The mentor may give advice, provide positive criticism, model ideas and behaviors, and use hypotheticals of alternative approaches -- but the *mentor first looks to build on the mentee's own observations and ideas!*
- The mentor strives to keep his/her engagement positive, respectful, and encouraging – but also seeks to be constructive and truthful.
- If something is worth mentor feedback, it is worth discussing in detail -- this underlies the need to prioritize items to choose for feedback to manage how time together is used.
- Mentor should also elicit feedback from mentee about the mentor's performance – it is a learning opportunity for the mentor too. Plus, the mentee may need to discuss any disconnect with prior learning or mentoring.

Communication among mentors:

Programs may require multiple mentored experiences of an apprentice mentee before granting “certification” or approval as a full-fledged mediator. This raises the issue of how each mentor's efforts may link to observations and recommendations of other mentors for a particular mentee.

One way is to depend upon disclosure by the mentee of prior mediation experiences and any written evaluations provided by prior mentors, plus thorough discussion of the mentee's learning and development as he/she has proceeded. This may occur during the “contracting” phase of engagement between the mentor and mentee discussed above.

An example of a way to buttress sharing of information among mentors is in Virginia's mediator certification program: for each mentored case, the mentor and mentee complete a “Mentee Portfolio Form” which the mentee must provide to subsequent mentors. The form has three parts: First, the mentor and mentee are required to show the “goals for the mentee's skill development” that they identified before the mediation began. Second -- after the mediation -- the mentor must “describe the mentee's progress towards the skill development goals” that were identified. Third, the mentor must identify subsequent skill development priorities recommended for the mentee, and any recommended “additional training, reading or other developmental activity.”

These forms, ideally, provide an excellent way for mentors to communicate with each other, and a basis for discussions during the “contracting” phase of subsequent cases.

Evaluations:

High quality feedback and evaluations by Mentors are key to success of a mentoring. These range from informal oral feedback to formal written evaluations, and from “just-in-time” discussion during breaks in a mediation to structured evaluations following the mediation or mentored event. Positive and responsible feedback practices are described above.

An example of a more formal, written evaluation protocol is used in Virginia's mediation certification program, which uses a four-page "Mentee Evaluation Form" that the mentor must complete for the mentee on each mentored case. This includes ratings on 48 mentee skill areas, plus questions requiring discussion of overall competencies. Headings for the rating groups include "Personal Qualities," "Introduction," "Information Sharing," "Issue Clarification," "Generation of Options," "Resolution/Closure," "professional Qualities," "Communication Skills," and "Special Techniques."

Note: the portfolio and evaluation forms discussed above can be found among the background materials of this report, or online among the mediation materials of the Supreme Court of Virginia.

Summary and conclusion.

- Mentoring is part of the pursuit of excellence in mediation. It is an important part of mediator development for newly trained mediators, and can benefit experienced mediators as well.
- Mentoring's special focus on an individual, one-on-one relationship between a mentor and a mentee adds an additional learning and development perspective to group training and peer development opportunities.
- Mentors should be trained and experienced mediators -- AND should receive *additional* training in mentoring skills.
- Mentoring has many settings – e.g., with individual practitioners, related to approval standards set by judicial and practice organizations, and as part of performance oversight.
- There are basic expectations for both mentors and mentees.