

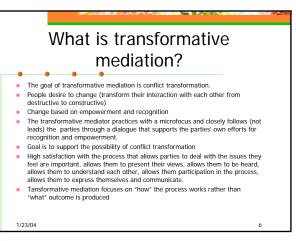
No matter who you are or the conflict you are experiencing...









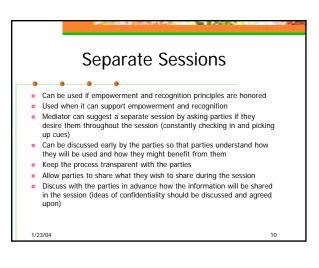


| Why is transformative | Components of an Opening |
|---|--|
| mediation different? | Statement |
| The mediator's role is to follow the parties unfolding conversation and identify opportunities for empowerment and recognition, as those opportunities appear in the parties' own conversation such as: Being Transparent Attending Monitoring Responding Listening Avoiding directives Maintaining neutrality Reflecting Summarizing Questioning Checking in Realizing meaning are in people not words (attend to silence, meanings, relational messages, affective states & nonverbal com) Metacommunicating: Taiking about talk Following Parties Knowing when to intervene or not 1/230/4 7 | Greetings Question that checks parties understanding mediation Description of Tranformative mediation Allow parties to describe their expectations of mediationif these differ considerably from transformative mediationmediator may have to decline their services (rare sinc they can accommodate parties) Establish a context for the mediator (to help facilitate the dialogue, help reach clarity, help gain better understanding, & help them have a constructive conversation) Explain mediation: voluntary, confidential, empowering Explain mediation: voluntary, confidential, empowering Explain the forms that may be involved and decide what is desired Allow parties to provide suggestions about how to proceed with the process (design, ground rules, separate sessions, interaction possibilitiesso on) Discuss preferences for talking and organizing talk Preferences regarding an agenda are negotiated and discussed 1/23/04 |

Transformative Mediators...

- Describe their role and objective during the session in terms of recognition and empowerment (transparency)
- Feel success when empowerment and recognition occur
- Remain optimistic about parties' own abilities to work through the
- conflict through their interactionDo not feel responsible for the outcome of the mediation and do not worry whether settlement will be reached or not.
- Avoid being judgmental
- Allow parties to explore and examine their ambiguity surrounding the conflict
- Focus on interaction
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- Leave the responsibility of outcome to the partiesBe responsive to parties needs, desires, and choices

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Ground Rules

- Open to establishing ground rule but avoids imposing certain ground rules
- Invites parties to discuss whether ground rules are needed and important for the session
- Suggests possibilities for ground rules...check in to see if ideas are acceptable to parties
- Check in with parties by making "low inference" statements to see if they are following the ground rules they themselves have chosen. Ask parties why they are not following ground rules instead of enforcing ground rules on them
- Keeping the process flexible and ongoing. Allowing parties to have an ongoing discussion about ground rules and other process issues.
- Designing the sessions together in an ongoing discussion

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Examples of "shifts" in the conflict interaction

- Recognizing transformation:
- Empowerment
- Directing body language toward one another Expressing more emotion
- Speaking with confidence (clarity)
- Addressing each other directly

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11

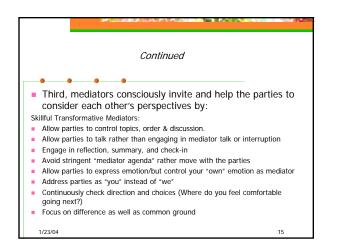
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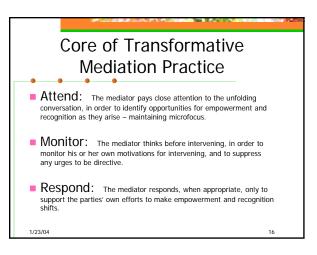
- Recognition Examples:
- 1. Talking to each other than about the other
- 2. Listening more to the "other"
- 3. Acknowledging and validating information from the other
- 4. Formulating more positive attributions to the other
- 5. Apologizing and forgiving the other

Characteristics of Transformative Practice First, mediators adopt a mircrofocus, concentrating on the presentation of the conflict by the parties that takes place in the mediation session itself.

 Second, mediators take conscious steps to encourage parties to engage in deliberation and choice making.

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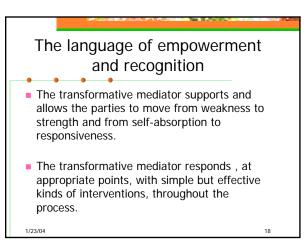




What is a "competent" transformative mediator?

- A competent transformative mediator acts consistently and reflectively in a way that supports the parties' efforts at conflict transformation.
- Transformative mediators should understand the theoretical foundations of the transformative framework, such as its underlying principles, premises, and purpose.

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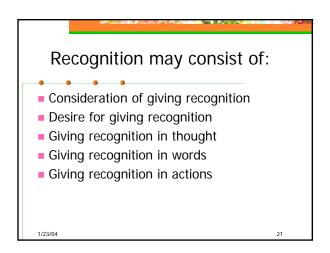
Language of Empowerment and Recognition

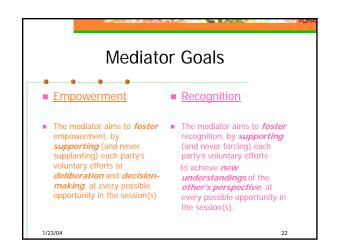
- The mediator pays close attention to the parties' own conversational clues in the *immediate* interactions between them – what they do and say.
- The transformative mediator stays in the moment with the parties.

19

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Supportive Responses The transformative mediator never has the answer and does not suggest a resolution. The mediator follows the language tone, words, and body language for shifts from weakness to strength and "checks in" with the parties to make sure that they *hear* the conversation.



Avoid problem solving and control processes

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